



COMPREHENSIVE LAND USE UPDATE

ENVIRONMENTAL IMPACT REPORT

PREPARED FOR: CITY OF NATIONAL CITY



FINAL EIR | MAY 6, 2011

COMPREHENSIVE LAND USE UPDATE

ENVIRONMENTAL IMPACT REPORT

Prepared For
CITY OF NATIONAL CITY



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I INTRODUCTION

A. Purpose of the Environmental Impact Report

The Draft EIR identified the likely environmental consequences associated with the project components described in the Draft EIR Project Description. It also identified policies contained in the proposed Draft 2030 General Plan that help to reduce potentially significant impacts.

This Final EIR responds to environmental issues raised in comments on the Draft EIR and makes revisions to the Draft EIR as necessary in response to these comments (see CEQA Guidelines Section 15132). Revisions to the Draft 2030 General Plan made in response to these comments are presented in a memorandum that will be considered by City Council as part of the adoption of the General Plan. None of these revisions result in significant changes to the Project Description or findings of the Draft EIR that would trigger the need to recirculate the Draft EIR.

This document, together with the Draft EIR, is intended to constitute the Final EIR. However, certification of the Final EIR rests with the City Council; therefore additional materials may be added or modified by the City prior to the time of certification (see CEQA Guidelines Section 15090).

B. Environmental Review Process

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public and project applicant with an opportunity to comment on the Draft EIR. This Final EIR has been prepared to respond to those comments received on the Draft EIR and to clarify any errors, omissions or misinterpretations of the Draft EIR.

The Draft EIR was made available for public review on January 24, 2010. Notice of Availability was published in the local newspaper, posted by the County Clerk, and sent to organizations and individuals who have previously requested such notice in writing. A Notice of Completion was filed with the

State Office of Planning and Research (“OPR”). The 45-day public comment period ended on March 10, 2010. The Draft EIR and all documents referenced were made available at the City’s Community Development Department at 1243 National City Boulevard, National City, CA 91950. The Draft EIR was also made available for review at the National City Library at 1401 National City Boulevard, National City, CA 91950, and in electronic format on the City’s website at: <http://www.ci.national-city.ca.us/index.aspx?page=480>.

Copies of all written comments received on the Draft EIR are contained in this document.

This Final EIR will be presented at a Planning Commission hearing at which the Commission will advise the City Council on certification of the EIR and its recommendation on approval or modification of the proposed General Plan.

However, the Planning Commission will not take final action on the EIR or the proposed project. Instead, the City Council will consider the Planning Commission’s recommendations on the Final EIR and the proposed Draft 2030 General Plan during a noticed public hearing, and make any final on the project.

C. Document Organization

This document is organized into the following chapters:

- ◆ **Chapter 1: Introduction.** This chapter discusses the use and organization of this Final EIR.
- ◆ **Chapter 2: Report Summary.** This chapter is a summary of the conclusions of the Draft and the Final EIR. It has been reprinted from the Draft EIR with necessary changes made in this Final EIR shown in underline and ~~striketrough~~.

- ◆ **Chapter 3: Revisions to the Draft EIR.** Corrections to the text and graphics of the Draft EIR are contained in this chapter.
- ◆ **Chapter 4: List of Commentors.** Names of agencies and individuals who commented on the Draft EIR are included in this chapter.
- ◆ **Chapter 5: Comments and Responses.** This chapter contains reproductions of the comment letters received from agencies and the public on the Draft EIR as well as written responses on environmental issues. The responses are keyed to the comments which precede them.

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INTRODUCTION

2 REPORT SUMMARY

This is a summary of the Draft EIR Report Summary as modified by the Final EIR. This document has been reprinted from the Draft EIR with changes to Table 2-1.

This summary presents an overview of the analysis contained in Chapter 4: Environmental Evaluation. CEQA requires that this chapter summarize the following: 1) areas of controversy and issues to be resolved, 2) significant impacts, 3) unavoidable significant impacts, 4) implementation of mitigation measures, and 5) alternatives to the project.

A. Proposed Project Under Review

The proposed Comprehensive Land Use Update project includes two primary components: (1) revisions to the City's Planning documents, including a comprehensive update of National City's General Plan, an update to the Land Use Code (Municipal Code Title 18), and a Climate Action Plan, and amendments to the Downtown Specific Plan and Local Coastal Program to ensure consistency with the General Plan; and (2) five individual development projects as follows: Street Conversions/Community Corridors; Senior Village Expansion; Las Palmas Park and Facilities Vision Concept Plan; Kimball Park Master Plan; and El Toyon Park Master Plan. In the DEIR, discussion of the "Proposed Project," "General Plan and related planning documents," or references to "Regulatory Changes" in the DEIR typically refer to these planning documents and the implementing regulations (i.e. the Land Use Code). While the five development proposals are included as part of the projected buildout of the Proposed Project, more specific information is also provided throughout the DEIR for the five development proposals; typically addressed in analyses labeled by the development proposals' name (e.g. Las Palmas Park and Facilities Vision Concept Plan).

The draft General Plan is intended to serve as the principal policy document for guiding future conservation and development in the City of National City. The draft General Plan includes goals, objectives and policies to implement the community's vision for National City. The policies and actions

would be used by the City to guide day-to-day decision-making so there would be continuing progress toward the attainment of the Plan's goals. The draft General Plan proposes land use designations to implement the overall goals and vision. The draft Land Use Code includes development standards and regulations to implement the goals, policies and land use designations contained in the General Plan. The development standards and regulations would be used by the City to guide day-to-day decision-making to ensure compliance with federal and State regulations and General Plan goals and policies for development. The CAP augments the objectives, goals, policies and actions of the General Plan related to the reduction of greenhouse gas emissions. Amendments to the Downtown Specific Plan and Local Coastal Program would ensure consistency with the General Plan. The Comprehensive Land Use Update is further detailed in Chapter 3 of the Draft EIR.

B. Areas of Controversy & Issues to be Resolved

The City issued a Notice of Preparation on May 3, 2010 and held a scoping meeting on May 11, 2010. The scoping period for this EIR was between May 3, 2010 and June 7, 2010, during which interested agencies and the public could submit comments about the Comprehensive Land Use Update. The comments received focused primarily on the following issues:

- ◆ Implementing energy conservation measures.
- ◆ Protecting the Paradise Creek corridor and all other wetlands and riparian habitats.
- ◆ Protecting endangered species.
- ◆ Consideration of the Regional Transportation Plan and Regional Comprehensive Plan.
- ◆ Addressing traffic impacts in and around National City.
- ◆ Effectively reducing greenhouse gas (GHG) emissions.
- ◆ Meeting regulatory agency requirements or suggestions for the General Plan content or review.

All of these issues were addressed in the Comprehensive Land Use Update process. To the extent that these issues have environmental impacts, they are also addressed in this EIR.

The decision to approve, approve with modifications (including mitigation measures), or deny the proposed project or one of the alternatives will be made by National City's decision makers after certification of the Final EIR. Additional discussion of mitigation measures and project alternatives is provided below in Table 2-1 and Section F of this Chapter.

C. Significant Impacts

Under CEQA, a significant impact on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance.

Implementation of the Comprehensive Land Use Update, in combination with long-term, region-wide growth and development, has the potential to generate environmental impacts in a number of areas. However, the Comprehensive Land Use Update has been developed to be largely self-mitigating, and as a result, there are very few impacts that would occur solely on the basis of its implementation.

Nonetheless, the implementation and projected buildout of the Comprehensive Land Use Update has the potential to generate significant environmental impacts in the following areas:

- ◆ Air Quality
- ◆ Biological Resources
- ◆ Hazards and Hazardous Materials
- ◆ Hydrology and Water Quality
- ◆ Land Use
- ◆ Noise

- ◆ Transportation and Circulation
- ◆ Utilities and Service Systems

D. Mitigation Measures

The Draft EIR suggests mitigation measures that would reduce most impacts to less-than-significant levels. These mitigation measures are summarized in Table 2-1 at the end of this chapter. They will form the basis of a Mitigation Monitoring Program which will be published and adopted prior to approval of a project or alternative and implemented in accordance with State law.

E. Unavoidable Significant Impacts

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. As described in Chapter 4 of the Draft EIR, and shown in Table 2-1, significant unavoidable impacts were identified in the areas of Air Quality, Hydrology and Water Quality, Transportation and Circulation, and Utilities and Service Systems.

F. Alternatives to the Project

This Draft EIR analyzes alternatives to the Comprehensive Land Use Update. There is no set methodology for comparing the alternatives or determining the environmentally superior alternative under CEQA. Identification of the environmentally superior alternative involves weighing and balancing all of the environmental resource areas by the City. Three alternatives to the Regulatory Changes component of the Comprehensive Land Use Update are considered and described in detail in Chapter 5 of the Draft EIR:

- ◆ Existing General Plan Alternative (No Project Alternative)
- ◆ Distributed Growth Alternative
- ◆ Centralized Growth Alternative

Additional alternatives to the Development Proposals component of the Comprehensive Land Use Update are considered and described in Chapter 5:

- ◆ Existing Street Conversions/Community Corridors Alternative (No Project Alternative)
- ◆ Reduced Street Conversions/Community Corridors Alternative
- ◆ Existing Senior Village Expansion Alternative (No Project Alternative)
- ◆ Reduced Senior Village Expansion Alternative
- ◆ Existing Las Palmas Park and Facilities Vision Concept Plan Alternative (No Project Alternative)
- ◆ Reduced Las Palmas Park and Facilities Vision Concept Plan Alternative
- ◆ Existing Kimball Park Master Plan Alternative (No Project Alternative)
- ◆ Reduced Kimball Park Master Plan Alternative
- ◆ Existing El Toyon Park Master Plan Alternative (No Project Alternative)
- ◆ Reduced El Toyon Park Master Plan Alternative

As described in Chapter 5 of the Draft EIR, it is the City's primary concern to improve the health and safety of its residents, associated with Air Quality, Greenhouse Gases (GHGs), alternate modes of transit, and a jobs/housing balance. Further, the regional impacts to air pollution, potential conversion and loss of agricultural and biological resources, traffic congestion, and GHG would be substantially improved under the Comprehensive Land Use Update when compared with the Existing General Plan (No Project) and Distributed Growth Alternatives. Though impacts to local vehicular travel and level of service were reduced under the Distributed Growth Alternative, the Comprehensive Land Use Update balances the increased impacts to vehicular travel with an improvement to regional air quality, provision of alternative modes of transportation, and GHGs. Though impacts to regional air quality, provision of alternative modes of transportation, and GHGs would be further improved under the Centralized Growth Alternatives it would result in greater localized impacts not only to vehicular travel but local air quality and GHGs thereby impacting the health of its residents. Therefore, the environmentally superior alternative is the proposed Comprehensive Land Use Update project as it best balances regional and local impacts.

Further, while the Existing and Reduced Alternatives for each of the Development Proposals would significantly reduce or eliminate environmental impacts, as described in Chapter 5 of the Draft EIR associated with characteristics of the development proposal, it would fail to meet the as identified in Chapter 3 and listed in Chapter 5, Table 5-3 of the Draft EIR.

G. Summary Table

Table 2-1 presents a summary of impacts and mitigation measures identified in this report. It is organized to correspond with the environmental issues discussed in Chapter 4 of the Draft EIR.

The table is arranged in four columns: 1) environmental impacts; 2) significance prior to mitigation; 3) mitigation measures; and 4) significance after mitigation. For a complete description of potential impacts, please refer to the specific discussions in Chapter 4 of the Draft EIR.

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AESTHETICS			
<i>Since there are no significant impacts related to aesthetics as a result of the Comprehensive Land Use Update, no mitigation measures are required.</i>			
AGRICULTURAL RESOURCES			
<i>Since there are no significant impacts related to agricultural resources as a result of the Comprehensive Land Use Update, no mitigation measures are required.</i>			
AIR QUALITY			
AQ-1: Buildout of land uses under the proposed Regulatory Changes would result in a higher growth rate of vehicle trips and assumed vehicle miles traveled than population growth in the SDAPCD Clean Air Plan. This would conflict with regional planning efforts to attain ambient air quality standards. Future updates to the RAQS/SIP would use SANDAG projections that include updated General Plan and Land Use Code land use assumptions. Although clean air planning efforts (in terms of control measures) can be adjusted to meet the plan objective and take into account the effects of the General Plan and Land Use Code land use assumptions, these projections are not included in the current RAQS/SIP.	S	AQ-1: None available.	SU

S = Significant SU = Significant and Unavoidable PS = Potentially Significant LTS = Less Than Significant;

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Significance With Mitigation
<p>AQ-2: Construction activity during buildout of the proposed Regulatory Changes would generate exhaust and fugitive particulate matter emissions that would affect local and regional air quality.</p>	S	<p>AQ-2a: Dust Suppression. The following enhanced dust control measures shall be required by the City as part of the project entitlement process in order to control fugitive dust emissions during construction. These measures are in addition to SDAPCD regulatory requirements that are currently required for construction activity.</p> <ul style="list-style-type: none"> ◆ Limit traffic speeds on unpaved roads to 15 mph. ◆ Install sandbags or other erosion control measures to prevent silt runoff to public roadways. ◆ Replant vegetation in disturbed areas as quickly as possible. ◆ Limit access to the construction sites, so tracking of mud or dirt on to public roadways can be prevented. If necessary, use wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site. ◆ Suspend excavation and grading activity when winds (instantaneous gusts) exceed 20 mph or dust clouds cannot be prevented from extending beyond the site.
		<p>AQ-2b: Exhaust Emission Controls. Projects that have significant construction period exhaust emissions shall reduce fleet average emission rates. Developers or contractors shall provide a plan for approval by the City or SDAPCD demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project for more than an accumulated 40 hours, including owned, leased and subcontractor vehicles, will achieve emission standards similar to in-use equipment that meets CARB certified Tier II standards.</p>

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AQ-3: The higher intensity buildout of the Regulatory Changes would increase population and vehicle travel at a rate greater than anticipated in regional clean air planning efforts. This could conflict with regional efforts to reduce unhealthy ozone and particulate matter concentrations in the region. Future updates to the RAQS/SIP would use SANDAG projections that include updated General Plan and Land Use Code land use assumptions. Although clean air planning efforts (in terms of control measures) can be adjusted to meet the plan objective and take into account the effects of the General Plan and Land Use Code land use assumptions, these projections are not included in the current RAQS/SIP.	S	<u>AQ-3:</u> None available.	SU
AQ-4: As described above, in Impacts AQ-1 and AQ-3, the Regulatory Changes and Development Proposals would result in a <i>significant and unavoidable</i> air quality impact.	S	<u>AQ-4:</u> None available.	SU
AQ-5: As described above, in Impacts AQ-1 and AQ-3, the Regulatory Changes and Development Proposals would result in a <i>cumulatively considerable</i> contribution to a significant cumulative impact to regional air quality.	S	<u>AQ-5:</u> None available.	SU
BIOLOGICAL RESOURCES			
BIO-1: Up to 1.2 acres of DCSS, located within the Las Palmas Park and Facilities Vision Concept Plan site, will be impacted as a result of site redevelopment. Because the DCSS area of the Las Palmas Park and Facilities Vision Concept Plan site supports habitat that is theoretically suitable for the federally-listed California Gnatcatcher, it may be necessary to obtain “take” authorization from the USFWS if this species is present on the project site.	S	<u>BIO-1:</u> In order to reduce or avoid impacts to special status birds, and ensure project compliance with the Federal Migratory Bird Treaty Act and Sections 3503, 3503.5, 3511, and 3513 of the California Fish and Game Code, site brushing, grading, and/or the removal of vegetation within 300 500 feet of any known migratory songbird nesting location will not be permitted during the spring/summer songbird breeding season, defined as from February January 15 th to August 31 st of each year. Limiting activities to the non-breeding season will minimize chances for the incidental take of migratory California gnatcatcher. In order to determine presence/absence of California gnatcatchers, protocol surveys of suitable areas of habitat	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-1 <i>continued</i>		(DCSS) on-site are required. These must be completed by an approved biologist in possession of a Section 10(a) Recovery Permit for this species. Should it be necessary to conduct brushing, grading, or other habitat-removal activities during the songbird breeding season, a pre-construction nesting survey of all areas within 300 500 feet of the proposed activity will be required. If active nests are present on-site, the nests shall be monitored until the birds have fledged and left the nest, prior to the commencement of construction activities. The results of the pre-construction survey will be provided in a report to the City and the wildlife agencies for concurrence with the conclusions and recommendations.	
BIO-2: Up to 1.2 acres of DCSS, located within the Las Palmas Park and Facilities Vision Concept Plan site, will be impacted as a result of site redevelopment. These areas will be impacted by renovations to the Butterfly Garden and the expansion of the existing ICF Garden.	S	BIO-2: Impacts to DCSS shall require mitigation at a minimum 2:1 ratio. Therefore, impacts to 1.2 acres of DCSS will require 2.4 acres of mitigation. This mitigation could occur on-site, via habitat creation and restoration in the Butterfly Garden and/or other areas of the site. In order for on-site habitat creation and restoration to be acceptable as DCSS mitigation, these activities would need to occur pursuant to a City and resource agencies (CDFG, USFWS) approved Revegetation Plan. The Revegetation Plan would be implemented by the City and would require a methodology for how to establish DCSS in that area. The Revegetation Plan would be required to comply with the Federal Migratory Bird Treaty Act. Site brushing, grading, and/or the removal of vegetation within 300 500 feet of any known migratory songbird nesting location will not be permitted during the spring/summer songbird breeding season, defined as from February January 15 th to August 31 st of each year. Alternatively, mitigation could occur off-site, via the securement of 2.4 acre-credits of DCSS in an approved mitigation bank. If the DCSS is found to be occupied by California Gnatcatcher, a higher mitigation ratio would be required.	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-3: Up to 0.8-acre of DFWW, located in the existing golf course in the center of the Las Palmas Park and Facilities Vision Concept Plan site, will be impacted by creek restoration activities.	S	BIO-3: Impacts to the DFWW shall require mitigation at a minimum 3:1 ratio in the following manner: at least 1:1 shall consist of wetlands creation; the remaining 2:1 may consist of wetlands restoration/enhancement. For example, impacts to 0.8 acre of DFWW would require 2.4 acres of mitigation. Mitigation for impacts to these habitat-types could occur on-site, via habitat creation and restoration activities in the on-site drainage. It should be noted that if these habitat restoration activities would result in any significant impacts, these impacts would be required to be analyzed and mitigated. Significant impacts associated with habitat restoration activities could include dredging in jurisdictional waters or wetlands, the removal of native vegetation, noise impacts to native wildlife during site preparation. In order for habitat restoration to be acceptable as wetlands mitigation, they would need to be subject to a City and Resource Agency-approved Wetland Mitigation Plan. Such a plan would be implemented by the City and it would specify methodology for habitat creation and restoration. Alternatively, mitigation could occur off-site, via the securement of 2.4 acre-credits of FWW in an approved mitigation bank. Regulatory Agencies (USACE, CDFG, RWQCB) typically allow applicants to propose either on- or offsite restoration, although on-site mitigation is encouraged. If on-site mitigation is not available, offsite mitigation within the same drainage basin is required.	LTS
BIO-4: Up to 0.1-acre of NVC, located in the middle of the existing golf course on the Las Palmas Park and Facilities Vision Concept Plan site, will be impacted by creek restoration activities.	S	BIO-4: Impacts to wetlands habitats, such as Non-Vegetated Channel (NVC), generally require mitigation at a 3:1 ratio. At least 1:1 of this typically must consist of wetlands creation; the remaining 2:1 may consist of wetlands restoration/enhancement. Therefore, impacts to 0.1-acre of NVC would require 0.3-acre of mitigation. Mitigation for impacts to these habitat-types could occur on-site, via habitat creation and restoration activities in the on-site drainage.	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-4 <i>continued</i>		In order for these activities to be acceptable as wetlands mitigation, they would need to be subject to a City and Resource Agency-approved Wetland Mitigation Plan. Alternatively, mitigation could occur off-site, via the securement of 0.3 acre-credits of NVC in an approved mitigation bank. The Regulatory Agencies (USACE, CDFG, RWQCB) typically allow applicants to propose either on- or off-site restoration, although on-site mitigation is encouraged. If on-site mitigation is not available, offsite mitigation within the same drainage basin is required.	
BIO-5: Up to 0.1 acre of Disturbed Southern Coastal Salt Marsh (DSCSM), within Paradise Creek in the southern portion of the Kimball Park Master Plan site, will be impacted as a result of creek improvements and grading and construction of a trail along Paradise Creek.	S	BIO-5: Impacts to Disturbed Southern Coastal Salt Marsh (DSCSM) require mitigation at a minimum 3:1 ratio. At least 1:1 of this ratio shall consist of wetlands creation; the remaining 2:1 may consist of wetlands restoration/enhancement. Therefore, impacts to 0.1-acre of DSCSM shall require 0.3-acre of mitigation. Mitigation for impacts to these habitat-types could occur on-site, via the restoration of Paradise Creek, including the daylighting of the portion of the creek that is currently underground. The project's current conceptual design shows approximately 3.9 acres as being available for Paradise Creek improvements. In order for these improvements to be acceptable as wetlands mitigation, they would need to be subject to a City and Resource Agency-approved Wetland Mitigation Plan. Alternatively, mitigation could occur off-site, via the securement of 0.9 acre-credits of SCSM in an approved wetland mitigation bank. The Regulatory Agencies (USACE, CDFG, RWQCB) typically allow applicants to propose either on- or offsite restoration, although on-site mitigation is encouraged. If on-site mitigation is not available, offsite mitigation within the same drainage basin is required.	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact			Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-6:	Up to 0.3-acre of Disturbed Freshwater Wetland (DFWW), within Paradise Creek on the Kimball Park Master Plan site, will be impacted as a result of creek improvements and grading and construction of a trail along Paradise Creek.		S	BIO-6: Impacts to wetlands habitats, such as DFWW, require mitigation at a 3:1 ratio. At least 1:1 of this ratio shall consist of wetlands creation; the remaining 2:1 may consist of wetlands restoration/enhancement. Therefore, impacts to 0.3-acre of DFWW shall require 0.9-acre of mitigation. Mitigation for impacts to these habitat-types could occur on-site. The project site has approximately 3.9 acres available for Paradise Creek improvements. In order for these improvements to be acceptable as wetlands mitigation, they would need to be subject to a City and Resource Agency-approved Wetland Mitigation Plan. Alternatively, mitigation could occur off-site, via the securement of 0.3 acre-credits of FWW in an approved wetland mitigation bank. The Regulatory Agencies (USACE, CDFG, RWQCB) typically allow applicants to propose either on- or off-site restoration, although on-site mitigation is encouraged. If on-site mitigation is not available, off-site mitigation within the same drainage basin is required.	LTS
BIO-7:	The Las Palmas Park and Facilities Vision Concept Plan will impact jurisdictional wetlands and waters through the grading and landscaping of DFWW and NVC located within the existing golf course.		S	BIO-7: Because the proposed Las Palmas Park and Facilities Vision Concept Plan project will impact state wetlands and State and federal “waters,” it may be necessary to obtain certain regulatory agency permits as a condition of project approval. To that end, it is required that the applicant provide to the City proof of notification of the ACOE and CRWQCB regarding Clean Water Act Section 404/401 Permits, or evidence that such notification is not required. Also required prior to project approval shall be proof provided to the City that the applicant has obtained a 1600-series Streambed Alteration Agreement with the CDFG, or proof that such an agreement is not required.	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Significance With Mitigation
Significant Impact	Mitigation Measures	Significance With Mitigation
<p>BIO-8: The Kimball Park Master Plan will impact jurisdictional wetlands and waters through grading and bank improvements of DFWW and DSCSM along Paradise Creek, in the southeastern portion of the site.</p>	<p>BIO-8: (a) Mitigation for wetland impacts associated with improvements to Kimball Park will require a 1:1 ratio of wetlands creation and 2:1 ratio of wetlands restoration/enhancement. Therefore, impacts to 0.3 acre of DFWW would require 0.9 acre of mitigation and impacts to 0.1 acre of DSCSM would require 0.3 acre of mitigation. Mitigation for impacts to these habitat-types could occur onsite, via the restoration of Paradise Creek or offsite through contribution to an approved mitigation bank.</p>	<p>LTS</p>
	<p>Because the proposed Kimball Park Master Plan project will impact State wetlands and State and federal “waters,” it will likely be necessary to obtain certain regulatory agency permits as a condition of project implementation. To that end, it is required that the applicant provide to the City proof of notification of the ACOE and CRW/QCB regarding Clean Water Act Section 404/401 Permits, or evidence that such notification is not required. Also required prior to project approval shall be proof provided to the City that the applicant has obtained a 1600-series Streambed Alteration Agreement with the CDFG, or proof that such an agreement is not required.</p>	
	<p>(b) In order to reduce or avoid impacts to special status birds, and ensure project compliance with the Federal Migratory Bird Treaty Act and Sections 3503, 3503.5, 3511, and 3513 of the California Fish and Game Code, site brushing, grading, and/or the removal of vegetation within 300 500 feet of any known migratory songbird nesting location will not be permitted during the spring/summer song bird breeding season, defined as from February January 15th to August 31st of each year. Limiting activities to the non-breeding season will minimize chances for the incidental take of migratory songbirds.</p>	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-8 <i>continued</i>		Should it be necessary to conduct brushing, grading, or other habitat-removal activities during the songbird breeding season, a pre-construction nesting survey of all areas within 300 <u>500</u> feet of the proposed activity will be required. If active nests are present on-site, the nests shall be monitored until the birds have fledged and left the nest, prior to the commencement of construction activities. The results of the pre-construction survey will be provided in a report to the City and the wildlife agencies for concurrence with the conclusions and recommendations.	
CULTURAL RESOURCES			
<i>Since there are no significant impacts related to cultural resources as a result of the Comprehensive Land Use Update, no mitigation measures are required.</i>			
GEOLOGY, SOILS, AND MINERAL RESOURCES			
<i>Since there are no significant impacts related to geology, soils, and mineral resources as a result of the Comprehensive Land Use Update, no mitigation measures are required.</i>			
HAZARDS AND HAZARDOUS MATERIALS			
HAZ-1: There are a number of sites in National City that are included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 (Appendix E) or that need further investigation. Several of the sites have reported releases to the ground, resulting in soil and groundwater contamination, and are subject to various State and federal laws and regulators, including the CERCLA, US EPA, DTSC, and RWQCB. Redevelopment of sites with existing soil or groundwater contamination could potentially pose a significant hazard to the public or the environment through releases of hazardous materials into the environment. Although the risk of significant hazard to the public or the environment from redevelopment of sites with existing soil or groundwater contamination can be reduced by General Plan policies, it cannot be completely eliminated.	S	HAZ-1: Implementation of a new General Plan Policy S-8.4 would require proposed development to determine the applicability of preparing a Hazardous Materials Management Plan (HMMP), stormwater pollution prevention plan (SWPPP), Standard Urban Storm Water Mitigation Plan, (SUSWMP), Jurisdictional Urban Runoff Management Program (JURMP), stormwater Best Management Practices, and additional site-specific assessment including research, file reviews, and or Phase I Environmental Assessments.	LTS

S = Significant SU = Significant and Unavoidable PS = Potentially Significant LTS = Less Than Significant;

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
HYDROLOGY AND WATER QUALITY			
HYDRO-1: Buildout under the Regulatory Changes could potentially result in stormwater volume in excess of storm drainage system capacity.	S	<u>HYDRO-1:</u> National City shall incorporate into its General Plan a policy to regularly assess the adequacy of its storm sewer system to accommodate 100-year storm flows and develop and implement a prioritized plan to address identified capacity deficiencies to the MEP.	LTS
HYDRO-2: As it is not possible to determine whether implementation of stormwater management practices would be adequate to accommodate 100-year storm flows on the Senior Village Expansion project site, the placement of occupied development within a Special Flood Hazard Area could raise the base flood elevation or redirect flood flows, resulting in flooding and damage either on- or off-site.	S	<u>HYDRO-2a:</u> National City shall undertake a detailed hydrological study to assess the effects of proposed development on base flood elevations on the project site and in the surrounding area and to identify a range of measures sufficient to accommodate 100-year flood flows on site. Measures to accommodate flood flows could include creek modification and stormwater management BMPs such as bio-swales, retention ponds, and rain gardens. <u>HYDRO-2b:</u> National City shall incorporate feasible measures identified in the detailed hydrological study into the final project site design so as to ensure that, at a minimum, base flood elevation would not rise either on- or off-site.	LTS
HYDRO-3: The placement of commercial structures proposed as part of the Las Palmas Park and Facilities Vision Concept Plan within a Special Flood Hazard Area could raise the base flood elevation or redirect flood flows, resulting in flooding and damage either on- or off-site.	S	<u>HYDRO-3a:</u> National City shall undertake a detailed hydrological study to assess the effects of proposed development on base flood elevations on the project site and in the surrounding area and to identify a range of measures sufficient to accommodate 100-year flood flows on site. Measures to accommodate flood flows could include creek modification and stormwater management BMPs such as bio-swales, retention ponds, and rain gardens. <u>HYDRO-3b:</u> National City shall incorporate feasible measures identified in the detailed hydrological study into the final project site design so as to ensure that, at a minimum, base flood elevation would not rise either on- or off-site.	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact		Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
LAND USE				
LU-1: Potential impacts associated with conflicts with adopted habitat conservation or natural community conservation plan could occur as a result of the Regulatory Changes and Development Proposals.	S	The inclusion of policies to the General Plan related to development review would reduce impacts associated with conflicts with the MSCP in the vicinity of the Planning area. The addition of Policy OS-2.7 would ensure that potential impacts to biological resources are carefully evaluated prior to approval of development projects. The addition of Policy OS-2.8 would ensure that development is consistent with all federal, State and regional regulations for habitat and species protection.		LTS
NOISE				
NOI-1: Construction noise could adversely affect sensitive receptors adjacent to the Senior Village Expansion project, components of the Las Palmas Park Facilities Concept Plan, Kimball Park Master Plan, and El Toyon Park Master Plan.	S	NOI-1: <i>Implement Construction Noise Reduction Measures</i> . Title 12 of the Municipal Code shall be amended to include the following standard construction noise reduction measures. ♦ Equipment Sound Attenuation. All noise-producing construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed “package” equipment (e.g. arc welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.	♦ Use of Electrical Equipment. Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where feasible. ♦ Distance from Sensitive Receptors. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.	LTS

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
NOI-1 <i>continued</i>		<ul style="list-style-type: none"> ◆ Construction Traffic Speeds. Construction site and access road speed limits shall be established and enforced during the construction period. ◆ Use of Noise-Producing Signals. The use of noise producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. ◆ Use of Public Address or Music Systems. No project-related public address or music system shall be audible at any adjacent sensitive receptor. ◆ Noise Complaint Process. The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to construction commencement that will allow for resolution of noise problems that cannot be immediately solved by the site supervisor. 	LTS
<p>NOI-2: The proposed Regulatory Changes could result in the construction of sensitive land uses where known vibration sources already exist and ground vibration from conventional railroad trains or light rail trains passing through the Planning Area could exceed the guidelines set forth by the FTA if new buildings housing sensitive uses were constructed within approximately 100 feet of the tracks. Because vibration impacts from railroads are based on site-specific characteristics, it can not be determined whether future development under the Regulatory Changes would result in significant impacts. Each site would need to be evaluated for geotechnical conditions and whether or not a potential for groundborne vibration is likely to occur. If potential for groundborne vibration is found, mitigation measures would be required.</p>	S	<p>NOI-2: Implementation of new General Plan Policy NN-1.10 would call for a study to demonstrate that ground borne vibration issues associated with rail operations are adequately addressed for new development within 100 feet from the centerline of the railroad tracks.</p>	

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>NOI-3: Because vibration impacts are based on site-specific characteristics, it can not be determined whether future construction under the Regulatory Changes would result in significant impacts. Each site would need to be evaluated for geotechnical conditions and whether or not a potential for groundborne vibration is likely to occur. If potential for groundborne vibration is found, mitigation measures would be required. Therefore, impacts related to groundborne vibration from construction under the Regulatory Changes would be <i>significant</i> before mitigation.</p>	S	<p>NOI-3: <i>Detailed "Crack Survey."</i> Prior to approval of final site design, any project proponent that would propose driving pilings or performing an action that could cause substantial vibrations shall perform a detailed "crack survey" before the startup of construction activities. If pile driving would be the source of these vibrations, pre foundation pile holes should be pre-drilled to the extent feasible to minimize the number of hammer strikes required to seat the pile. The survey may be done by photographs, videotape, or visual inventory, and should include inside as well as outside locations. All existing cracks and walls, floors, driveways, etc., should be documented with sufficient detail for comparison after construction to determine whether actual vibration damage has occurred. If damage is found, the project application would be required to compensate for such damages.</p>	LTS
POPULATION AND HOUSING			
<i>Since there are no significant impacts related to population and housing as a result of the Comprehensive Land Use Update, no mitigation measures are required.</i>			
PUBLIC SERVICES AND RECREATION			
<i>Since there are no significant impacts related to public services and recreation as a result of the Comprehensive Land Use Update, no mitigation measures are required.</i>			
TRANSPORTATION AND CIRCULATION			
<p>TRANS-1: The standard established for Planning Area roadway level of service is LOS D; however, modifications to the Planning Area roadway network proposed in the Regulatory Changes are projected to result in LOS E or F on 34 roadway segments in 2030 under buildout conditions. The impacted roadway segments and projected 2030 level of service are listed in Table 4.13-7.</p>	S	<p>TRANS-1: No feasible mitigation available.</p>	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>TRANS-2: By 2030, foreseeable growth in the San Diego region could result in substandard LOS on two roadway segments in jurisdictions adjacent to the Planning Area. Sweetwater Road from Plaza Bonita Center Way to Willow Street in San Diego County is projected to operate at LOS F, while LOS on Broadway from State Route 54 to E Street in Chula Vista is projected to be substandard. Growth in the Planning Area would generate traffic volume which could contribute to the deterioration in the performance of these roadway segments.</p>	S	<p><u>TRANS-2:</u> No mitigation required. As part of the County of San Diego's <u>Draft General Plan Update</u>, Sweetwater Road is planned as a four lane facility in 2030. This would reduce impacts to a less than significant level in 2030. between National City city limits (Plaza Bonita Center Way) and Willow Street has been identified as a roadway segment where LOS E or F is acceptable, since adding travel lanes would result in adverse environmental impacts.</p> <p>As part of ongoing multi-jurisdictional programs such as Regional Arterial Management System (RAMS) and Traffic Light Synchronization Program (TSLP), the cities of National City and Chula Vista and Caltrans will continue to implement coordinated traffic signal timing along the National City Boulevard/Broadway Avenue corridor to improve traffic flow and progression. These implementation measures will ensure that impacts associated with increased congestion levels are <i>less than significant</i>.</p>	LTS
<p>TRANS-3: Even with implementation of RTP improvement actions and National City General Plan Policies, the addition of traffic expected from buildout of the Comprehensive Land Use Update and other reasonably foreseeable projects in San Diego County would cause six freeway segments on I-5 and one segment on I-805 that currently operate at acceptable LOS D or better to drop to unacceptable LOS E or F in 2030. These impacts are considered significant. Additionally, with the addition of traffic expected from implementation of the Comprehensive Land Use Update and other reasonably foreseeable projects in San Diego County, the volume to capacity ratio on one freeway segment on I-5, five segments on I-805, and four segments on SR-54 that currently operate at unacceptable LOS E or F would increase by more than 0.01 in 2030. The contribution of traffic associated with buildout of the Comprehensive Land Use Update to these cumulative impacts is considered <i>significant</i>.</p>	S	<p><u>TRANS-3:</u> No feasible mitigation available.</p>	SU

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TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
UTILITIES AND SERVICE SYSTEMS			
Impact UTILS-1: There is currently no feasible plan to expand landfill capacity to meet the projected needs of San Diego County beyond 2016. As implementation of the Regulatory Changes, the Senior Village Expansion Project, the Las Palmas Park and Facilities Vision Concept Plan, and the El Toyon Park Master Plan would generate additional solid waste requiring disposal in landfill after 2016 and compounding existing landfill constraints, the Regulatory Changes, the Senior Village Expansion Project, the Las Palmas Park and Facilities Vision Concept Plan, and the El Toyon Park Master Plan would all contribute to a significant cumulative impact.	S	<u>UTILS-1:</u> None available.	SU
Impact UTILS-2: development and redevelopment under the Regulatory Changes, the Senior Village Expansion Project, the Las Palmas Park and Facilities Vision Concept Plan, and the El Toyon Park Master Plan would result in the generation of more wastewater than accounted for in the 2010 SSMP, and consequently existing and projected capacity deficiencies in the sewer system could potentially be exacerbated with implementation of the Regulatory Changes.	S	<u>UTILS-2:</u> The City of National City should conduct hydraulic modeling analysis to assess the impacts of the additional wastewater that would be generated with implementation of the Regulatory Changes and revise or re-prioritize the Recommended Capital Improvement Program contained in the SSMP as necessary in order to ensure that the City's wastewater collection system would have sufficient capacity to accommodate growth in the planning area, including the Development Proposals, through 2030.	LTS
GREENHOUSE GAS EMISSIONS			
<i>Since there are no significant impacts related to greenhouse gas emissions as a result of the Comprehensive Land Use Update, no mitigation measures are required.</i>			

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3 REVISIONS FOR THE DRAFT EIR

This chapter presents specific changes to the text of the Draft EIR that are being made in response to comments made by the public, by reviewing agencies, and by City staff. In each case, the revised page and location on the page is set forth, followed by the textual, tabular or graphical revision. New text is underlined and text removed is shown with ~~strikeout~~. None of the changes constitute significant changes to the Draft EIR, so the Draft EIR does not need to be recirculated.

Appendices listed on page ii, are revised as follows:

Appendix F: Revised General Plan Update Circulation Element Technical Report

Appendix M: Biological Field Surveys

The first paragraph under heading a) Non-Native Grassland (Holland Code 42200) – 9.3 Acres, on page 4.4-28, is revised as follows:

NNG is also found in a patchy distribution along the western and eastern project site boundaries. This habitat-type is indicated by a thatch of non-native grasses and forbs, including Ripgut Brome (*Bromus diandrus*) and Perennial Mustard (*Brassica geniculata*). Some areas of NNG support scattered large shrubs and small trees, including Lemonadeberry (*Rhus integrifolia*), European Olive (*Olea europaea*), Peruvian Peppertree (*Schinus molle*), and Toyon (*Heteromeles arbutifolia*). NNG qualifies as a sensitive vegetation community in southern California insofar as it supports raptor foraging and potential foraging by various special status species. ~~The biological resource value of NNG is low.~~

The second paragraph under heading a) Sensitive Vegetation Communities, on pages 4.4-33 and 34, is revised as follows:

The NNG, CSS, DFWW, and NVC on the Las Palmas Park and Facilities Vision Concept Plan project site are considered sensitive because impacts to these habitats are regulated by the City pursuant to the California Environmental Quality Act and by various State and federal agencies as jurisdictional lands. CSS is depleted throughout its distribution and is a habitat for State

and federally listed rare and threatened species. DFWW and NVC are typically considered jurisdictional wetlands and are regulated by the USACE, the CDFG, and/or the RWQCB. In terms of biological resource values, the habitat quality of the NNG, CSS, DFWW, and NVC areas within Las Palmas Park and Facilities Vision Concept Plan project site is limited by their small size, degree of disturbance, and isolation.

The first paragraph under heading b) Non-Native Grassland (Holland Code 42200) – 0.7 Acre, on page 4.4-47, is revised as follows:

NNG is found at the southeastern corner of the site, in areas supporting a dense thatch of naturalized non-native grasses and forbs. These areas appeared to be tilled annually, but are not maintained as lawns like the rest of the project site. The NNG is indicated by Ripgut Brome (*Bromus diandrus*), Wild Oat (*Avena sp.*), Bermuda Grass (*Cynodon dactylon*), Cheeseweed (*Malva parviflora*), and Red-stem Stork's-bill (*Erodium cicutarium*). NNG qualifies as a sensitive vegetation community in southern California insofar as it supports raptor foraging and potential foraging by various special status species. ~~The biological resource value of NNG is low.~~

The second paragraph under heading a) Sensitive Vegetation Communities, on pages 4.4-48 and 51, is revised as follows:

The NNG, DSCSM and DFWW present on the project site are considered sensitive, in that impacts to these habitat-types would be regulated by the City pursuant to CEQA. DSCSM and DFWW would also be regulated ~~and~~ by the resource agencies as jurisdictional wetlands. In terms of biological resource values, the habitat quality of the NNG, DSCSM and DFWW is limited by their small size, degree of disturbance, and isolation.

The first paragraph under heading b) Non-Native Grassland (Holland Code 42200) – 1.5 Acres, on page 4.4-60, is revised as follows:

NNG is found in several patches along the eastern and southern boundaries of the site in areas supporting a dense thatch of naturalized non-native grasses and forbs. These areas may be tilled occasionally, but are not maintained as

lawns like other parts of the project site. The NNG is indicated by Ripgut Brome (*Bromus diandrus*), Wild Oat (*Avena sp.*), and other annual weeds. NNG qualifies as a sensitive vegetation community in southern California insofar as it supports raptor foraging and potential foraging by various special status species. ~~The biological resource value of NNG is low.~~

The first paragraph under heading d) Sensitive Vegetation Communities, on pages 4.4-62 and 64, is revised as follows:

Vegetation communities (habitats) are generally considered “sensitive” if; (a) they are considered rare within the region by local agencies (b) they are known to support special status animal or plant species; and/or (c) they are known to serve as important wildlife corridors. These sensitive habitats are typically depleted throughout their known ranges, or are highly localized and/or fragmented. ~~None of the habitats present on the project site are considered sensitive.~~ The NNG, DSCSM, and DFWW present on the project site are considered sensitive insofar as such areas provide forage habitat for raptors. In terms of biological resource value, the habitat quality of the NNG is limited by its small size, degree of disturbance, and isolation.

The second paragraph on page 4.4-77 is revised as follows:

Indirect impacts affect special status plants and/or animals residing on or near the Las Palmas Park and Facilities Vision Concept Plan site. Due to the site’s high amount of human use and the fact that it is completely surrounded by development, all of the natural/naturalized habitats on the project site are already subject to edge effects. In addition, due the high number of people using the site on a daily basis, the biological resources in the surrounding area are highly tolerant of human activity.

The last paragraph on page 4.4-78, continuing on page 4.4-79, and the second paragraph on page 4.4-79, are revised as follows:

Indirect impacts affect sensitive habitats, plants, and/or animals residing on or near the Kimball Park Master Plan site. Due to the site’s high amount of human use and the fact that it is completely surrounded by development, all

of the natural/naturalized habitats on the project site are already subject to substantial edge effects. In addition, due the high number of people using the site on a daily basis, the biological resources in the surrounding area are highly tolerant of human activity. Therefore, any indirect impacts on candidate, sensitive, or special status species as identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, or as defined under CEQA Guidelines Section 15380, resulting from the Kimball Park Master Plan would be *less than significant*.

a) El Toyon Park Master Plan

Because the El Toyon Master Plan site does not support any areas of natural habitat, impacts on special status species resulting from implementation of the El Toyon Park Master Plan would not occur. In addition, due the high number of people using the site on a daily basis, the biological resources in the surrounding area are highly tolerant of human activity. Therefore, the El Toyon Park Master Plan would have *no impact*, directly or indirectly, on candidate, sensitive, or special status species as identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, or as defined under CEQA Guidelines Section 15380.

The first paragraph under heading iv. Mitigation Measure, on pages 4.4-80 and 81, is revised as follows:

Mitigation Measure BIO-1: In order to reduce or avoid impacts to special status birds, and ensure project compliance with the Federal Migratory Bird Treaty Act and Sections 3503, 3503.5, 3511, and 3513 of the California Fish and Game Code, site brushing, grading, and/or the removal of vegetation within ~~300~~ 500 feet of any known migratory songbird nesting location will not be permitted during the spring/summer songbird breeding season, defined as from ~~February~~ January 15th to August 31st of each year. Limiting activities to the non-breeding season will minimize chances for the incidental take of migratory California gnatcatcher. In order to determine presence/absence of California gnatcatchers, protocol surveys of suitable areas of

habitat (DCSS) on-site are required. These must be completed by an approved biologist in possession of a Section 10(a) Recovery Permit for this species. Should it be necessary to conduct brushing, grading, or other habitat-removal activities during the songbird breeding season, a pre-construction nesting survey of all areas within ~~300~~ 500 feet of the proposed activity will be required. If active nests are present on-site, the nests shall be monitored until the birds have fledged and left the nest, prior to the commencement of construction activities. The results of the pre-construction survey will be provided in a report to the City and the wildlife agencies for concurrence with the conclusions and recommendations.

The text under heading ii. Project-Level Impacts of the Development Proposals, on pages 4.4-83 through 86, is revised as follows:

b) Las Palmas Park and Facilities Vision Concept Plan

Measurable direct impacts on sensitive habitats will result from the development of the Las Palmas Park and Facilities Vision Concept Plan project site. The following direct impacts are anticipated:

- ◆ Up to 9.3 acres of NNG, located along the western border of the project site and in patches along the eastern border of the project site, would be impacted as a result of site redevelopment. These areas will be impacted by grading for expanded community gardens adjacent to the existing ICF Garden, planting of citrus groves and other landscaping treatments along the western border of the site, and construction activities related to the 122,000 square foot commercial development site in the southwest corner of the project site. ~~However, since this site is currently developed and the surrounding areas are developed with urban uses, this impact would be less than significant. No specific mitigation for this loss is required. Though NNG supports potential raptor foraging and potential foraging by various special status species, the NNG on this site is already disturbed and is not known to be habitat for any special status species. No particular species have been identified on site. Suitable nesting habitat for raptors does not occur adjacent to the project site, or sufficiently close such that the area would be used more than occasionally as all surround-~~

ing area is highly disturbed or developed. Therefore, this impact would be less than significant. No mitigation for this loss is required.

- ◆ Up to 1.2 acres of DCSS, located within the Butterfly Garden and the ICF Garden, will be impacted as a result of site redevelopment. These areas will be impacted by renovations to the Butterfly Garden and the expansion of the existing ICF Garden. The loss of this vegetation will be *significant*. Mitigation for this loss is required in order to reduce impacts to a level that is “less than significant.”
- ◆ Up to 0.8-acre of DFWW, located in the existing golf course in the center of the project site, will be impacted by creek restoration activities. The loss of this vegetation will be *significant*. Mitigation for this loss is required in order to reduce impacts to a level that is “less than significant.”
- ◆ Up to 0.1-acre of NVC, located in the middle of the existing golf course, will be impacted by creek restoration activities. The loss of this resource will be *significant*. Mitigation for this loss is required in order to reduce impacts to a level that is “less than significant.”

Indirect impacts also affect sensitive habitats and special status plants and/or animals residing on or near the project site. Due to the site’s high amount of human use and the fact that it is completely surrounded by development, all of the natural/naturalized habitats on the project site are already subject to edge effects. In addition, due to the high number of people using the site on a daily basis, the biological resources in the surrounding area are highly tolerant of human activity. Therefore, any additional edge effects resulting from implementation of the Las Palmas Park and Facilities Vision Concept Plan would be *less than significant*.

c) Kimball Park Master Plan

Measurable direct impacts on sensitive habitats will result from the development of the Kimball Park project site. The following direct impacts are anticipated:

- ◆ Up to 0.7 acre of NNG, located in the southern portion of the site adjacent to Paradise Creek, will be lost as a result of development of commu-

nity gardens and creek improvements along Paradise Creek. ~~Since this area is currently developed and is surrounded by urban uses, this impact would be *less than significant*. No mitigation for this loss is required.~~ Though NNG supports potential raptor foraging and potential foraging by various special status species, the NNG on this site is already disturbed and is not known to be habitat for any special status species. No particular species have been identified on site. Suitable nesting habitat for raptors does not occur adjacent to the project site, or sufficiently close such that the area would be used more than occasionally as all surrounding area is highly disturbed or developed. Therefore, this impact would be *less than significant*. No mitigation for this loss is required.

- ◆ Up to 0.8 acre of DH, along Paradise Creek and in patches along the southern border of the site, will be lost as a result of creek improvements and construction of community gardens. Since this habitat is currently disturbed by existing development, this impact would be *less than significant*. No mitigation for this loss is required.
- ◆ Up to 13.5 acres of U/D habitat could be lost as a result of site redevelopment. Since this habitat is not sensitive and sensitive or special status species are not known to exist within the habitat, this impact would be *less than significant*. No mitigation for this loss is required.
- ◆ Up to 0.1 acre of DSCSM, within Paradise Creek in the southern portion of the site, will be impacted as a result of creek improvements and grading and construction of a trail along Paradise Creek. The loss of this vegetation will be *significant*. Mitigation for this loss is required in order to reduce impacts to a level that is *less than significant*.
- ◆ Up to 0.3 acre of DFWW, within Paradise Creek, will be impacted as a result of creek improvements and grading and construction of a trail along Paradise Creek. The loss of this vegetation will be *significant*. Mitigation for this loss is required in order to reduce impacts to a level that is *less than significant*.

Indirect impacts also affect sensitive habitats and special status plants and/or animals residing on or near the project site. Due to the site's high amount of

human use and the fact that it is completely surrounded by development, all of the natural/naturalized habitats on the project site are already subject to substantial edge effects. In addition, due to the high number of people using the site on a daily basis, the biological resources in the surrounding area are highly tolerant of human activity. Therefore, any additional edge effects resulting from project implementation would be *less than significant*.

d) El Toyon Park Master Plan

Measurable direct impacts on habitats would result from the development of the El Toyon Park project site. However, as stated in the existing conditions, the habitat types found within the project site have low biological value. The following direct impacts are anticipated:

- ◆ Up to 13.3 acres of U/D habitat will be impacted as a result of site redevelopment. Since this habitat is not sensitive and sensitive or special status species are not known to exist within the habitat, the loss of this habitat would be *less than significant*. No mitigation for this loss is required.
- ◆ Up to 1.5 acres of NNG, located between the existing baseball diamond and the southern and western borders of the project site, will be lost as a result of site redevelopment. ~~Since this area is already disturbed and is not known to be habitat for any special status species~~ Though NNG supports potential raptor foraging and potential foraging by various special status species, the NNG on this site is already disturbed and is not known to be habitat for any special status species. No particular species have been identified on site. Suitable nesting habitat for raptors does not occur adjacent to the project site, or sufficiently close such that the area would be used more than occasionally as all surrounding area is highly disturbed or developed. Therefore, this impact would be less than significant. No mitigation for this loss is required. ~~this impact would be less than significant. No mitigation for this loss is required.~~
- ◆ Up to 2.7 acres of NNV, located throughout the project site, will be lost as a result of site redevelopment. Since these areas are currently devel-

oped with existing uses, this impact would be *less than significant*. No mitigation for this loss is required.

- ◆ Up to 2.8 acres of DH surrounding the baseball diamond will be lost as a result of site redevelopment. Since this area is currently disturbed by existing development, this impact would be *less than significant*. No mitigation for this loss is required.

The text under heading iii. Impact Determination, on pages 4.4-86 and 87, is revised as follows:

Indirect impacts also affect sensitive habitats and special status plants and/or animals residing on or near the project site. Due to the site's high amount of human use and the fact that it is completely surrounded by development, all of the natural/naturalized habitats on the project site are already subject to substantial edge effects. In addition, due to the high number of people using the site on a daily basis, the biological resources in the surrounding area are highly tolerant of human activity. Therefore, any additional edge effects resulting from project implementation would be *less than significant*.

The text under heading iv. Mitigation Measures, on pages 4.4-87 and 88, is revised as follows:

Mitigation Measure BIO-2: Impacts to DCSS shall require mitigation at a minimum 2:1 ratio. Therefore, impacts to 1.2 acres of DCSS will require 2.4 acres of mitigation. This mitigation could occur on-site, via habitat creation and restoration in the Butterfly Garden and/or other areas of the site. In order for on-site habitat creation and restoration to be acceptable as DCSS mitigation, these activities would need to occur pursuant to a City and resource agencies (CDFG, USFWS) approved Revegetation Plan. The Revegetation Plan would be implemented by the City and would require a methodology for how to establish DCSS in that area. The Revegetation Plan would be required to comply with the Federal Migratory Bird Treaty Act. Site brushing, grading, and/or the removal of vegetation within ~~300~~ 500 feet of any known migratory songbird nesting location will not be permitted during the spring/

summer songbird breeding season, defined as from ~~February~~ January 15th to August 31st of each year.

Alternatively, mitigation could occur off-site, via the securement of 2.4 acre-credits of DCSS in an approved mitigation bank. If the DCSS is found to be occupied by California Gnatcatcher, a higher mitigation ratio would be required.

Significance after Mitigation: *Less than significant.* With CDFG and USFWS approval of a Revegetation Plan Impact BIO-2 would be reduced to a *less-than-significant* level.

The text under heading iv. Mitigation Measures, on pages 4.4-95 and 96, is revised as follows:

Mitigation Measure BIO-8:

(a) Mitigation for wetland impacts associated with improvements to Kimball Park will require a 1:1 ratio of wetlands creation and 2:1 ratio of wetlands restoration/enhancement. Therefore, impacts to 0.3 acre of DFWW would require 0.9 acre of mitigation and impacts to 0.1 acre of DSCSM would require 0.3 acre of mitigation. Mitigation for impacts to these habitat-types could occur onsite, via the restoration of Paradise Creek or offsite through contribution to an approved mitigation bank.

Because the proposed Kimball Park Master Plan project will impact State wetlands and State and federal “waters,” it will likely be necessary to obtain certain regulatory agency permits as a condition of project implementation. To that end, it is required that the applicant provide to the City proof of notification of the ACOE and CRWQCB regarding Clean Water Act Section 404/401 Permits, or evidence that such notification is not required. Also required prior to project approval shall be proof provided to the City that the applicant has obtained a 1600-series Streambed Alteration Agreement with the CDFG, or proof that such an agreement is not required.

(b) In order to reduce or avoid impacts to special status birds, and ensure project compliance with the Federal Migratory Bird Treaty Act and Sections 3503, 3503.5, 3511, and 3513 of the California Fish and Game Code, site brushing, grading, and/or the removal of vegetation within ~~300~~ 500 feet of any known migratory songbird nesting location will not be permitted during the spring/summer songbird breeding season, defined as from ~~February~~ January 15th to August 31st of each year. Limiting activities to the non-breeding season will minimize chances for the incidental take of migratory songbirds. Should it be necessary to conduct brushing, grading, or other habitat-removal activities during the songbird breeding season, a pre-construction nesting survey of all areas within ~~300~~ 500 feet of the proposed activity will be required. If active nests are present on-site, the nests shall be monitored until the birds have fledged and left the nest, prior to the commencement of construction activities. The results of the pre-construction survey will be provided in a report to the City and the wildlife agencies for concurrence with the conclusions and recommendations.

Significance after Mitigation: *Less than significant.* Mitigation Measure BIO-8(a) provides mitigation for jurisdictional waters and wetland impacts associated with improvements to Kimball Park Master plan project by requiring proof of compliance with federal and State Clean Water Act regulations, and would require some combination of 1:1 wetlands creation, 2:1 wetlands restoration/enhancement, or contribution to an approved mitigation bank for impacts to wetlands and jurisdictional waters. Mitigation activities for impacts to jurisdictional waters and wetlands could occur onsite through improvements to Paradise Creek, or offsite, with resource agency approval. This mitigation would reduce impacts to wetlands and jurisdictional waters to *less than significant*.

With the proper regulatory agency permits and/or seasonal avoidance of the migratory bird breeding season as required under Mitigation Measure BIO-8 (b) impacts to migratory birds and special status birds would be reduced to *less than significant*.

The first paragraph under heading b. Multiple Species Conservation Program, on pages 4.9-2 and 4.9-3, is revised as follows:

The Multiple Species Conservation Program (MSCP) completed in 1998 is a conservation program to balance development and protection of valuable habitat in a 900-square mile area in southwestern San Diego. The MSCP is a joint program between the City of San Diego, the U.S. Department of the Interior, the California Resources Agency, and other environmental and development groups. The primary goal of the MSCP is to conserve endangered species habitat areas and areas of biological importance, while allowing property owners to develop other less important land without engaging in State and federal environmental permit processes. The primary mechanism with which the MSCP does this is the creation of a biological preserve. Local jurisdictions will implement the MSCP through subarea plans. These subarea plans will serve as a multiple species Habitat Conservation Plan pursuant to Section 10(a)(1)(B) of the federal Endangered Species Act and a Natural Community Conservation Plan (NCCP) pursuant to the California NCCP Act of 1991 and the State Endangered Species Act.¹ The Biological Mitigation Ordinance (BMO) provides the regulatory basis for implementing the MSCP subarea plans. The BMO includes specific project design criteria, protective of biological resources that must be incorporated into each project in order for the project to conform to the respective MSCP subarea plan. There are also specific provisions that address the need to protect important populations of rare and endangered species. All development projects within the County of San Diego's MSCP Subarea Plan must be in conformance with the MSCP through the BMO. National City is not a participating agency in the MSCP. Therefore, development within National City city limits is not subject to the BMO nor is it required to demonstrate compliance with the MSCP. The Planning Area includes the unincorporated area of Lincoln Acres however, which is subject to the County of San Diego MSCP Subarea Plan and BMO. While there are no sensitive habitats occurring within Lincoln Acres, future development within the respective portion of the County of San Diego

¹ City of San Diego, 1998, *Final Multiple Species Conservation Program, MSCP Plan*.

MSCP Subarea Plan would be required to comply with applicable project design criteria included in the BMO.

The text of the third paragraph on page 4.13-1, is revised as follows:

The Year 2030 Plus Project Conditions scenario analyzes how the City's transportation network would operate for projected buildout of the proposed Comprehensive Land Use Update. ~~A focused "Southbay III Traffic Model" was developed for this project combining the SANDAG Series 11 Regional Transportation Model (reflecting regional growth) with additional land use and roadway network details provided for the Southbay cities of Chula Vista and National City and its sphere of influence. The proposed Comprehensive Land Use Update includes t~~ SANDAG's "Southbay III" transportation model, which is a SANDAG Regional Series 11 subarea model containing the most current land use and transportation network data for both the City of National City and the City of Chula Vista, and surrounding spheres of influence, was used to analyze Year 2030 With and Without Project Conditions. The following five development proposals which are included as part of the projected buildout of the proposed Comprehensive Land Use Update in addition to the Regulatory Changes, are evaluated in this EIR, described below and in the project description (see Figures 3-6 through 3-27).

The text under heading 1. Terminology and Standards, in the second paragraph on page 4.13-11, is revised as follows:

- ◆ **Collector:** Collectors are intended to "collect" traffic from local roadways and carry it to roadways higher in the street classification hierarchy. These roadways serve as intermediaries between arterials and local roads, providing direct access to parcels in both residential and non-residential areas. Collectors typically have one or two lanes of traffic in each direction and can carry up to 20,000 vehicles on a daily basis. Collectors may serve as alternate routes to arterials for movement across the City. There are a total of ~~28~~27 collector roadways within National City.

Text within Table 4.13-2, on page 4.13-14, is revised as follows:

TABLE 4.13-2 NATIONAL CITY LEVEL OF SERVICE CLASSIFICATIONS

Street Classification	Lanes	Level of Service / Average Daily Traffic Volumes*					
		A	B	C	D	E	F
Arterial	6	0-20,000	20,001- 28,000	28,001- 40,000	40,001- 45,000	45,001- 40,000	50,001+
Arterial	4	0-15,000	15,001- 21,000	21,001- 30,000	30,001- 35,000	35,001- 40,000	40,001+
Arterial	4	0-10,000	10,001- 14,000	14,001- 20,000	20,001- 25,000	25,001- 30,000	30,001+
Arterial	3+1	0-8,500	8,501- 12,000	12,001- 17,000	17,001- 21,000	21,001- 25,000	25,000 1 +
Collector	4	0-7,000	7,001- 10,000	10,001- 14,000	14,001- 17,000	17,001- 20,000	20,001+
Collector	2+1	0-5,000	5,001- 7,000	7,001- 10,000	10,001- 13,000	13,001- 15,000	15,000 1 +
Collector	2	0-4,000	4,001- 5,500	5,501- 7,500	7,501- 9,000	9,001- 10,000	10,001+

*Approximate recommended Average Daily Traffic based upon SANTEC Guidelines as amended by the City of National City.

Figure 4.13-1, on page 4.13-16, is revised as follows:

The following changes to Figure 4.13-1 are corrections to the figure only. The correct roadway classifications were used in the DEIR traffic analysis. Therefore the analysis is still valid.

- ◆ Highland Avenue between Division Street and 8th Street is changed from a Collector to Arterial roadway.
- ◆ A label for Plaza Bonita Center Way is added along the eastern boundary of the City.
- ◆ Civic Center Drive is shown as a Collector between Tidelands Avenue and Cleveland Avenue.

- ◆ 18th Street is shown as a Collector between Wilson Avenue and Cleveland Avenue.
- ◆ 32nd Street is shown as a Collector between Marina Way and Tidelands Avenue.

The text under heading ii. East-West Roadways, on page 4.13-19, is revised as follows:

- ◆ 22nd Street is a two-lane Collector extending from Wilson Avenue to National City Boulevard. The current average daily traffic volume is 2,400 with a posted speed limit of 30 mph.

The text under heading b. Designated Truck Haul Routes, on page 4.13-38, is revised as follows:

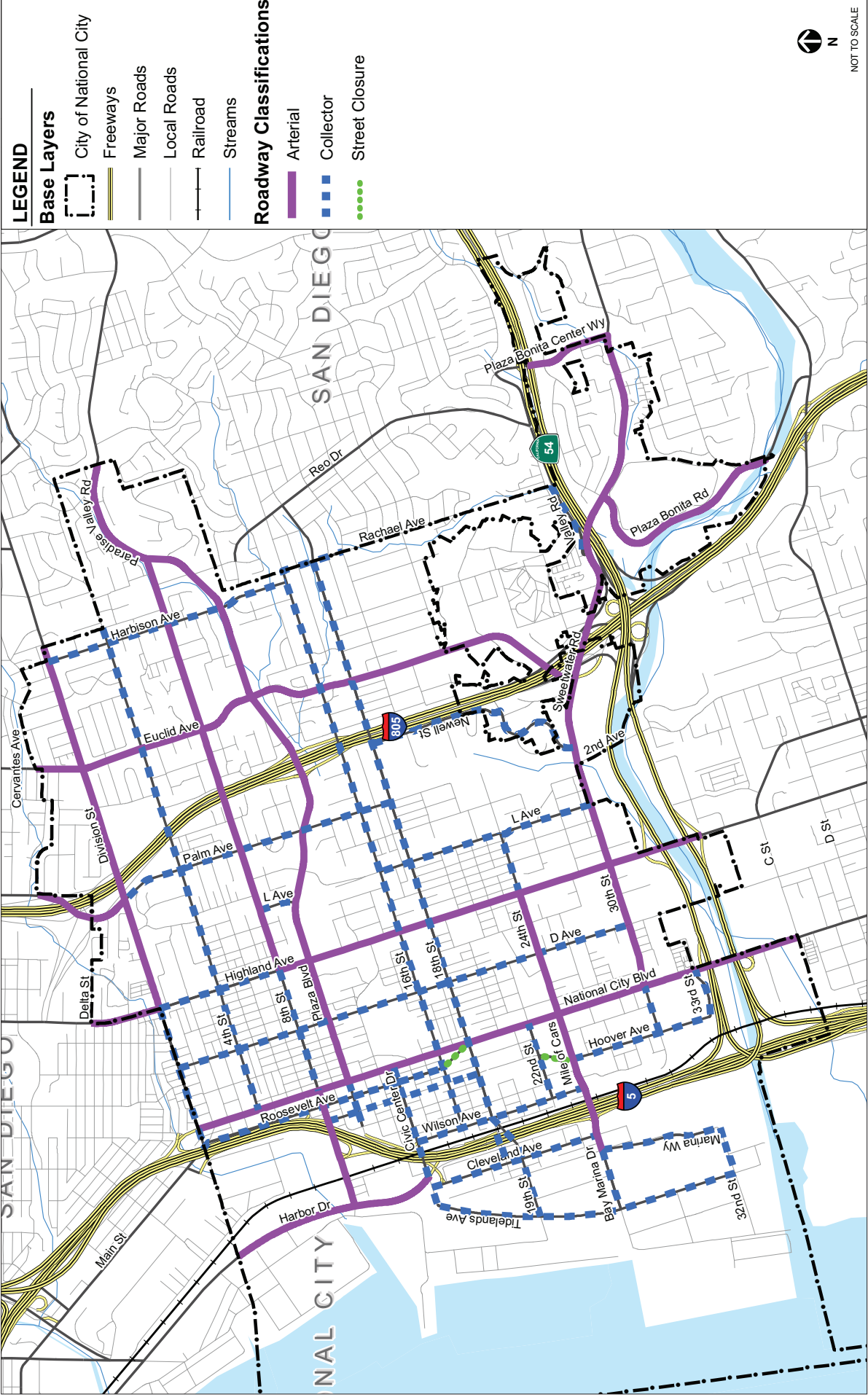
Secondary Truck Routes include the following roadways:

- ◆ Roosevelt Avenue (8th Street to Plaza Boulevard)
- ◆ National City Boulevard (Plaza Boulevard to Mile of Cars Way)
- ◆ Highland Ave (Plaza Boulevard to 30th Street)
- ◆ Plaza Boulevard (Roosevelt Avenue to Highland Avenue)
- ◆ Civic Center Drive (Harbor Drive to National City Boulevard)

Figure 4.13-8, on page 4.13-48, is revised as follows:

The following changes to Figure 4.13-8 are corrections to the figure only. The correct roadway classifications were used in the DEIR traffic analysis. Therefore the analysis is still valid.

- ◆ 18th Street between Wilson Avenue and Cleveland Avenue is shown as a Collector.
- ◆ Hoover Avenue between 22nd Street and Mile of Cars Way is changed from a Collector to a Street Conversion site.
- ◆ West Avenue between 16th Street and 18th Street is changed from a Collector to a Street Conversion site.



Source: Fehr & Peers Transportation Consultants

FIGURE 4.13-8
MAJOR PLANNING AREA ROADWAY CLASSIFICATIONS (PROPOSED)

Text within Table 4.13-10 on page 4.13-69, is revised as shown on the following page:

The text under heading iii. Project-Level Impacts of the Development Proposals, on pages 4.13-66 and 67, is revised as follows:

ii. Project-Level Impacts of the Development Proposals

Implementation of the Development Proposals would have a significant environmental impact if it would result in a conflict with the established standard for level of service on roadways in the Planning Area. Impacts to Planning Area roadway segments resulting from implementation of the Development Proposals were evaluated as part of the 2030 plus project analysis in Section F.1.a.i of this Chapter, and the results are shown in Table 4.13-6 above. ~~Therefore, project specific analysis for the Development Proposals is not provided here. However, f~~For the purposes of clarification a brief summary of impacts identified for the Street Conversions/Community Corridors, Kimball Park Master Plan and El Toyon Park Master Plan is provided below. Detailed project-specific analysis is included in ~~Appendix F~~ Appendices G and H for reference.

- ◆ Project-specific traffic analysis for the Community Corridors determined that level of service on the 24 Planning Area roadway segments that are part of the proposed Community Corridor system is projected to fall to LOS E or F under the Year 2030 Plus Project Conditions scenario. These roadway segments were considered in the program-level impact analysis discussion above in Section F.1.a.i of this Chapter.
- ~~◆ Project specific traffic analysis for the Grove Street and Sweetwater Road intersection, a key intersection in the vicinity of the Las Palmas Park and Facilities Vision Concept Plan Site, determined that that intersection would operate at an acceptable LOS D in the AM peak period but at an unacceptable LOS F in the PM peak period. The Grove Street and Sweetwater Road intersection is located along a segment of Sweetwater Road identified as significantly impacted on Table 4.13-6 and in the program level impact analysis discussion above in Section F.1.a.i of this Chapter.~~

TABLE 4.13-10 LEVEL OF SERVICE ANALYSIS – IMPACTS FROM BUILDOUT OF THE COMPREHENSIVE LAND USE UPDATE ON ROADWAYS IN ADJACENT JURISDICTIONS (2030 PLUS PROJECT CONDITIONS)

Roadway	Segment	Existing			Year 2030 Plus Project Conditions			Δ in V/C	Significant Impact?	
		ADT	V/C	LOS	ADT	V/C	LOS			
Carlsbad City of San Diego										
Harbor Drive	Wabash Blvd. to Division St.	26,300	0.66	C	30,700	0.77	C	0.11	No	
Main Street	Wabash Blvd. to Division St.	14,300	0.36	A	22,900	0.57	C	0.21	No	
43 rd Street	Logan Ave. to Division St.	16,700	0.42	B	19,200	0.48	B	0.06	No	
47 th Street	Logan Ave. to I-805	11,300	0.75	D	20,400	0.68	D	-0.7	No	
Euclid Avenue	Logan Ave. to Cervantes Ave.	15,000	0.50	C	19,400	0.65	C	0.15	No	
Paradise Valley Road	Munda Rd. to Woodman St.	20,000	0.50	B	21,600	0.54	C	0.04	No	
Chula Vista										
Broadway	SR-54 to E Street	18,200	0.54	D or better	43,400	1.29	Sub-standard	0.75	Yes	
4 th Avenue	SR-54 to E Street	19,400	0.51	D or better	25,800	0.68	D or better	0.17	No	
Plaza Bonita Road	Bonita Mesa Rd. to Bonita Rd.	11,100	0.30	A	11,700	0.31	A	0.01	No	
County of San Diego										
Sweetwater Road	Plaza Bonita Center Way to Willow St.	15,600	0.82	E	21,300	1.12	F	0.30	Yes	

a) Senior Village Expansion

The traffic analysis for the Senior Village Expansion project evaluated roadway segment and intersection level of service under Cumulative Year 2030 Base Plus Project conditions to determine if project-level impacts would occur when compared to existing conditions. The analysis of roadway segments, provided in Appendix G, found that the following three study area roadway segments would operate at acceptable LOS D under Existing Conditions and would operate at substandard LOS E under the Cumulative Year 2030 Base Plus Project conditions:

- ◆ D Avenue from Plaza Boulevard to 12th Street/Kimball Way (this impact was previously identified in DEIR Table 4.13-6 and 4.13-7, and page 4.13-49),
- ◆ D Avenue from 12th Street/Kimball Way to 15th Street (this impact was previously identified in DEIR Table 4.13-6 and 4.13-7, and page 4.13-49), and
- ◆ D Avenue from 15th Street to 16th Street (this impact was previously identified in DEIR Table 4.13-6 and 4.13-7, and page 4.13-49).

As noted on DEIR page 4.13-66, Table 4.13-6 included trip generation from this project component. These impacts were previously identified as significant and unavoidable in DEIR Table 4.13-6 and 4.13-7, and page 4.13-49 (“D Avenue, between Plaza Boulevard and 16th Street”). This information simply confirms and clarifies that the Senior Village expansion component of the project would contribute to this impact.

b) Las Palmas Park and Facilities Vision Concept Plan

The traffic analysis for the Las Palmas Park and Facilities Visions Concept Plant evaluated roadway segment and intersection level of service under Cumulative Year 2030 Base Plus Project conditions to determine if project-level impacts would occur when compared to existing conditions. The analysis of roadway segments, provided in Appendix H, found that the following two study area roadway segments would operate at substandard LOS F under the Cumulative Year 2030 Base Plus Project conditions:

- ◆ 18th Street from L Avenue to Palm Avenue (this impact was previously identified in DEIR Tables 4.13-6 and 4.13-7, and page 4.13-61), and
- ◆ 18th Street from Newell Street to Euclid Avenue (this impact was previously identified in DEIR Tables 4.13-6 and 4.13-7, and page 4.13-61).

As noted on DEIR page 4.13-66, Table 4.13-6 included trip generation from this project component. These impacts were previously identified as significant and unavoidable in DEIR Table 4.13-6 and 4.13-7, and page 4.13-60. This information simply confirms and clarifies that the Las Palmas Park Vision Concept Plan component of the project would contribute to this impact.

The analysis of intersection level of service, also provided in Appendix H, found that all study area intersections currently operate at acceptable LOS D or better, except for the intersection of Grove Street/Sweetwater Road, which operates at substandard LOS E during the PM peak hour. Under Cumulative Year 2030 Base Plus Project conditions, the intersection of Grove Street/Sweetwater Road would continue to operate at substandard level of service during the PM peak hour. This information simply confirms and clarifies that the Las Palmas Park Vision Concept Plan component of the project would contribute to this impact.

The text in the second paragraph under heading iii. Impact Determination, on page 4.13-67, is revised as follows:

The City evaluated potential mitigation measures for these roadway segments as detailed in Table 4.13-7 and determined they would be infeasible. 24 out of the 34 significantly impacted roadway segments have been designated Community Corridors. As described above and in the project description, the Community Corridors are intended to increase walking and bicycling through traffic calming measures, pedestrian enhancements, and bicycle improvements. Potential mitigation measures would require the removal of these improvements, which would not accomplish the project objectives, nor the General Plan policies associated with promoting alternate modes of transportation, and would result in impacts to these other non-vehicular modes of

transit. For these reasons, mitigation at these ~~intersections~~roadway segments is considered infeasible.

The text in the first paragraph on page 4.13-68 under heading iii. Impact Determination, is revised as follows:

The remaining 10 roadway segments are currently built to the limits of the existing Right-Of-Way. To widen these roadways further, sidewalks would need to be removed or reduced in width, which would result in impacts to non-vehicular modes of transit (pedestrians and bicyclists). Recent revisions in planning and environmental law recognize the importance of planning for multiple modes of transportation, which provide for the needs of all users (including pedestrians, bicyclists, mass transit riders, and motorists (see AB 1358 [2008]; SB 375 [2008])). As such, these mitigation measures are also considered infeasible due to policy considerations. Another option for roadway widening would involve the expansion of current Right-Of-Way through additional property acquisition. Property acquisitions, however, are considered environmentally, financially, and socially infeasible. Property acquisition would require demolition of existing buildings which would generate additional environmental impacts associated with air quality, noise, GHGs, solid waste, and traffic as well as continuing to promote vehicular use. Furthermore, widening of these roadway segments would also create a less pedestrian-oriented environment and would thus create additional impacts to this alternative mode of transportation. For these reasons, mitigation measures at these ~~intersections~~roadway segments are considered infeasible. Therefore, because no feasible mitigation exists, the impact ~~at along~~ these 34 ~~intersections~~roadway segments remains significant and unavoidable.

The text under heading iv. Mitigation Measures, is revised as follows:

Mitigation Measure TRANS-1: No feasible mitigation available.

Significance after Mitigation: *Significant and Unavoidable*

Mitigation Measure TRANS-2: No mitigation required. As part of the County of San Diego's Draft General Plan Update, Sweetwater Road ~~is~~

~~planned as a four-lane facility in 2030. This would reduce impacts to a less than significant level in 2030. between National City city limits (Plaza Bonita Center Way) and Willow Street has been identified as a roadway segment where LOS E or F is acceptable, since adding travel lanes would result in adverse environmental impacts.²~~

As part of ongoing multi-jurisdictional programs such as Regional Arterial Management System (RAMS) and Traffic Light Synchronization Program (TSLP), the cities of National City and Chula Vista and Caltrans will continue to implement coordinated traffic signal timing along the National City Boulevard/Broadway Avenue corridor to improve traffic flow and progression. These implementation measures will ensure that impacts associated with increased congestion levels are *less than significant*.

Therefore, no additional mitigation measures would be required.

The text in the third and fourth paragraphs under heading i. Program-Level Impacts of the Regulatory Changes, on pages 4.13-70, are revised as follows:

Using ADT volumes obtained from Caltrans Freeway Performance Measurement System (PeMS) data and the SANDAG Series 11 South III traffic model, Fehr & Peers projected freeway performance for 17 ~~CMT~~CMP roadway segments in the Planning Area in 2030. Modeling accounted for implemented and planned improvement actions from the 2030 RTP as well as growth under the Comprehensive Land Use Update. Details of modeling methodology and results can be found in Appendix F of this EIR. Under Caltrans Guidelines for Traffic Impact Studies, a significant impact would occur when the addition of project traffic results in a drop in LOS from LOS D or better to substandard LOS E or F, or for freeway segments already operating at substandard LOS E or F, when v/c ratio increases by more than 0.01. Freeway performance modeling results are shown in Table 4.13-11 to-

² County of San Diego, 2010, *Draft General Plan*, page M-A-75.

gether with data for existing conditions. The Freeway performance modeling results are for regular lanes only and do not consider either high occupancy vehicle (HOV) lane performance or combined overall performance of the freeway segments studied. As such they represent worst case scenario conditions in 2030.

As shown in Table 4.13-11, even with implementation of 2030 RTP improvement actions, 16 ~~CMTCMP~~ roadway segments in the Planning Area would operate at unacceptable LOS E or F in 2030. Six freeway segments on Interstate 5 and one segment on Interstate 805 currently operate at acceptable LOS D or better; however, with the addition of traffic expected from implementation of the Comprehensive Land Use Update and other reasonably foreseeable projects in San Diego County, LOS would drop to unacceptable LOS E or F for these segments in 2030. Implementation of the Comprehensive Land Use Update would therefore result in *significant* impacts on these ~~CMTCMP~~ roadway segments. Additionally, while one freeway segment on Interstate 5, five segments on I-805, and four segments on SR-54 currently operate at unacceptable LOS E or F, with the addition of traffic expected from implementation of the Comprehensive Land Use Update and other reasonably foreseeable projects in San Diego County, these segments would continue to operate at unacceptable LOS and the change in v/c ratio on all ten segments would be greater than 0.01. Consequently, Implementation of the Comprehensive Land Use Update would result in a cumulatively considerable contribution to *significant* impacts on these ~~CMTCMP~~ roadway segments.

Text in the title of Table 4.13-11 is revised as follows:

TABLE 4.13-11 | **~~CMT~~ ROADWAY PERFORMANCE – EXISTING
 CONDITIONS VS 2030 CLUU PLUS CUMULATIVE**

Text under d) Kimball Park Master Plan, on page 4.13-77, is revised as follows:

~~The Kimball Park Master Plan would expand an existing park, creating new parking areas and new open space. The project would not increase population in the Planning Area or generate a substantial increase in vehicle trips.~~

~~As such, the project would have no impact on the regional CMP. Freeway performance modeling discussed above in Section F.1.b.i considered traffic that would be generated from development under the Regulatory Changes and the five Development Proposals, including the Kimball Park Master Plan. Associated impacts have therefore already been discussed above and for the sake of brevity that discussion is not repeated here.~~

Key City Staff list on page 7-1, List of Preparers, is revised as follows:

1. Key City Staff

Brad Raulston, Community Development Director

Ray Pe, Principal Planner

Stephen Manganiello, Traffic Engineer

CITY OF NATIONAL CITY
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REVISIONS FOR THE DRAFT EIR

4 LIST OF COMMENTORS

A. Written Comments

Written comments were received from the following:

State Agencies

1. Scott Morgan, Director, State Clearinghouse, Governor's Office of Planning and Research, March 15, 2011.
2. Scott Morgan, Director, State Clearinghouse, Governor's Office of Planning and Research, March 15, 2011.
3. Edmund Pert, Regional Manager, South Coast Region, California Department of Fish and Game, March 14, 2011.
4. Jacob Armstrong, Development Review Branch Chief, California Department of Transportation, March 2, 2011.

Regional and Local Agencies

5. Susan Baldwin, Senior Regional Planner, San Diego Association of Governments, March 3, 2011.
6. Stan Donn, Senior Planner, City of Chula Vista, March 9, 2011.

Non-Profit Associations and Members of the Public

7. Marco Gonzalez and Livia Borak, Attorneys for Environmental Health Coalition, March 10, 2011.
8. Georgette Gomez and Carolina Martinez, Environmental Health Coalition, March 10, 2011.
9. Geoffrey Schrolk, National City Resident, March 2, 2011.
10. Mick Heard, National City Resident, March 2, 2011.
11. Dennis Lexline, National City Resident, March 2, 2011.
12. Leonor, National City Resident, March 2, 2011.

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LIST OF COMMENTORS

5 COMMENTS AND RESPONSES

This chapter includes a reproduction of, and response to environmental issues in each letter received during the public review period (see CEQA Guidelines Sections 15088 and 15204(a)). Each letter is reproduced in its entirety, and is immediately followed by responses to the environmental issues in it. Letters follow the same order as listed in Chapter 4 of this Final EIR and are categorized by:

- ◆ State Agencies
- ◆ Regional and Local Agencies
- ◆ Non-Profit Associations and Members of the Public

Each comment and response is labeled with a reference number in the margin. Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Where a response required revisions to the Draft EIR, these revisions are shown in Chapter 3 of this Final EIR document.

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A. State Agencies

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JERRY BROWN
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



COMMENT LETTER #1

March 15, 2011

Raymond Pe
City of National City
1243 National City Boulevard
National City, CA 91950

Subject: National City Comprehensive Land Use Update
SCH#: 2010051009

Dear Raymond Pe:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on March 14, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

1-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2010051009
Project Title National City Comprehensive Land Use Update
Lead Agency National City

Type EIR Draft EIR
Description The proposed Comprehensive Land Use Update project includes two primary components: (1) an update of the General plan and Land use Code (zoning code), a new Climate Action Plan, and amendments to the Downtown Specific plan and Local Coastal Program; and (2) five individual development projects as follows: Street Conversions/Community Corridors; Senior Village Expansion; Las Palmas Park and Facilities Vision Concept Plan; Kimball park Master Plan; and El Toyon Park Master Plan.

Lead Agency Contact

Name Raymond Pe
Agency City of National City
Phone 619-336-4421 **Fax**
email
Address 1243 National City Boulevard
City National City **State** CA **Zip** 91950

Project Location

County San Diego
City National City
Region
Lat / Long
Cross Streets
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sower Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Department of Boating and Waterways; California Coastal Commission; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Regional Water Quality Control Board, Region 9; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 01/27/2011 **Start of Review** 01/27/2011 **End of Review** 03/14/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

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COMMENTS AND RESPONSES

Letter 1: Scott Morgan, Director, State Clearinghouse, Governor's Office of Planning and Research, March 15, 2011.

- 1-1:** This comment states that the DEIR was submitted to select State agencies for review, and acknowledges that the City has complied with the State Clearinghouse review requirements for environmental documents. No additional response is required (CEQA Guidelines Sections 15088(c) and 15204(a)).

CITY OF NATIONAL CITY
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JERRY BROWN
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



COMMENT LETTER #2

March 15, 2011

Raymond Pe
City of National City
1243 National City Boulevard
National City, CA 91950

Subject: National City Comprehensive Land Use Update
SCH#: 2010051009

Dear Raymond Pe:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on March 14, 2011. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

2-1

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

2-2

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2010051009) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

CITY OF NATIONAL CITY
COMPREHENSIVE LAND USE UPDATE
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Letter 2: Scott Morgan, Director, State Clearinghouse, Governor's Office of Planning and Research, March 15, 2011.

- 2-1:** This comment states that comments on the DEIR were received by the State Clearinghouse for the California Department of Fish and Game (CDFG) after the end of the review period. Responses to the CDFG letter have been provided in 3-1 through 3-8 below, although such responses are not required under CEQA (see CEQA Guidelines Section 15088(a)).
- 2-2:** This comment reiterates that CEQA does not require Lead Agencies to respond to late comments; however the City is encouraged to incorporate the comments into the Final EIR. This comment was noted and no additional response is required.

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DEPARTMENT OF FISH AND GAME

John McCamman, Director

South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201
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COMMENT LETTER #3

March 14, 2011

Mr. Ray Pe, Principal Planner
City of National City
Department of Community Development
1243 National City Boulevard
San Diego, California 92101

Subject: Comments on the Draft Environmental Impact Report for the National City Comprehensive Land Use Update, San Diego County, California (SCH No. 2010051009).

Dear Mr. Pe:

The California Department of Fish and Game (Department) has reviewed the above-referenced draft Environmental Impact Report (DEIR) for the National City Comprehensive Land Use Update, dated January 2011. The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines Section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code Section 2050 et seq.) and Fish and Game Code Section 1600 et seq. The Department also administers the Natural Community Conservation Planning Program (NCCP).

The City of National City (City) has prepared a draft EIR to analyze the environmental impacts associated with the Comprehensive Land Use Update. The proposed project includes: 1) General Plan update, Land Use Code update (Municipal Code Title 18), and Climate Action Plan; 2) amendment to the Downtown Specific Plan and Local Coastal Program to ensure consistency with the update; and 3) five projects as follows: Street Conversions/Community Corridors; Senior Village Expansion; Las Palmas Park and Facilities Vision Concept Plan; Kimball Park Master Plan; and El Toyon Park Master Plan (proposed project). These documents would supersede the current General Plan, which was last updated in 1996, and portions of the current Municipal Code. The proposed project is intended to provide the control and regulation necessary to ensure that growth occurs in an orderly fashion through the horizon year in 2030.

We offer the following comments and recommendations to the assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts.

1. The DEIR cites the biological resource value of non-native grassland as low (page 4.4-60). However, we would highlight that non-native grassland (including ruderal habitat conditions) provides important foraging habitat for various species of raptors, even within urban settings (particularly for those urban parks discussed in the DEIR). Although the DEIR does not document raptors nesting onsite (based on the single site surveys) it does cite the potential for Cooper's hawk (*Accipiter cooperii*) and Red-shouldered hawk (*Buteo lineatus*) to occur in

3-1

3-2

areas surrounding Las Palmas Park, El Toyon Park and Kimball Park. Also, the DEIR mentions raptor prey (i.e., California ground squirrel [*Spermophilus beecheyi*]) along the western portion of El Toyon Park. Raptors nesting in suitable habitat adjacent to the project site could use each site for foraging to some extent; therefore we believe that the DEIR should not readily discount the importance of this habitat type, even if these areas are affected by the surrounding urban development. As acknowledged within the City's General Plan Elements (Biological Resources subheading), the "Conservation and protection of important biological resources are integral to maintaining biodiversity and a healthy ecosystem. All species, no matter how small, have an important role to play in the ecosystem." Absent the supporting habitat for wildlife these goals cannot be achieved. We believe that consideration should be provided in the final EIR to either retain natural habitats within each park master plan proposal; otherwise all direct impacts to non-native grassland habitat should be mitigated accordingly (e.g., commensurate mitigation at 0.5:1 ratio).

3-2
cont.

2. The DEIR includes statements on pages 4.4-77, 4.4-78 and 4.4-84 that "biological resources in the surrounding area are highly tolerant of human activity". It is unclear to the Department as to the foundational support/quantitative evidence (CEQA Guideline §15064 (f)(5)) for this conclusion; therefore we request that additional discussion be provided in the final EIR for this determination.

3-3

3. The Department previously commented during the NOP phase of the EIR concerning the importance of establishing biological buffers and setbacks for the development proposal along the Paradise Creek corridor. The DEIR's analysis for the Kimball Park Master Plan site (as well as other park master plans) concludes that the project site is already subject to edge effects due to the surrounding urban development and that biological resources in these areas are highly tolerant of human activity, consequently indirect impacts would be less than significant. However, we would emphasize that in order to provide mitigation measures that adequately avoid and minimize both direct and indirect impacts, the City needs to establish sufficient buffers (particular in urban areas) for the protection of riparian habitat. Buffers are crucial as they provide foraging habitat for wildlife, reduce edge effects from noise, light, glare, line-of-sight disturbances, and inhibit invasive species encroachment. As a component of an integrated management system, buffers can also protect a watercourse by managing natural levels of nutrients and sediments.

3-4

The final EIR should include design standards/conditions for affected park master plans that require establishing appropriate riparian buffers to creek corridors, canals and drainage ditches. Additionally, General Plan Policy OS-2.2 should specify the importance of requiring a biological buffer to riparian and wetland resources. An adequate buffer, as measured from the outside edge of the jurisdictional riparian habitat, should be established to protect the riparian habitats from edge effects. The Fish and Game Commission Policy on the *Retention of Wetland Acreage and Habitat Values* states, "Buffers should be of sufficient width and should be designed to eliminate potential disturbance of fish and wildlife resources from noise, human activity, feral animal intrusion, and any other potential sources of disturbance. The size and character of buffers shall ultimately be determined by the requirements of the affected species most sensitive to such disturbances. When feasible, buffers should be designed in a manner which complements the habitat values associated with adjacent wetlands." The Department and the U.S. Army Corps of Engineers suggests that buffers of 100 feet may be adequate to provide many of the functions cited above (and increased as needed depending upon the sensitivity of the biological resources). Additionally, the design standards/conditions should specifically include the following: 1) that trails should be located outside of defined riparian/wetland buffers; 2) that buffers should be

3-5

protected by a fencing designed to keep humans and domestic animals out of buffers; 3) the use of only native plants in the landscaped areas adjacent to the biological buffers; and, 4) artificial lighting associated with athletic fields/courts should be shielded and directed away from riparian and other environmentally sensitive lands.

3-5
cont.

4. To account for the earlier occurrences of raptor nesting activities that have been documented in San Diego, the Department suggests that the biological mitigation measures BIO-1, BIO- 2, and BIO-8, be revised to limit vegetation clearing, grading and/or construction activities from January 15th. If project construction is necessary during the avian breeding season and an active raptor nest is identified, a buffer of 500 feet should be established between the construction activities and the nest so that nesting activities are not interrupted.
5. The Multiple Species Conservation Program (MSCP) discussion (4.9 Land Use) should be revised to clarify that the Biological Mitigation Ordinance is applicable only to the respective portion of the County of San Diego's MSCP Subarea Plan. In comparison, the implementation component for the City of San Diego's MSCP Subarea Plan defers to the Environmentally Sensitive Lands Regulations. Each entity's respective implementing agreements under the MSCP specify those conditions.
6. The DEIR biological resource discussion (Section 4.4) references the biological field survey were conducted for the Palmas Park and Facilities Vision Concept Plan site, Kimball Park Master Plan site and El Toyon Park Master Plan site by Vincent Scheidt, Certified Biological Consultant and Julia Groebner, Associate Biologist, on November 11, 2009, December 14, 2009, January 15, 2010, and March 2, 2010. The biological technical reports prepared in association with the survey activities were not included within the technical appendices for the DEIR's nor was there any discussion on the basis for standards that were applied to conducting the baseline biological analysis. In an effort to facilitate the public review and disclose the process, the survey reports should be provided in the technical appendices and copies provided to the Department.

3-6

3-7

3-8

We appreciate the opportunity to comment on the draft EIR and to assist the City in further minimizing and mitigating project impacts to biological resources. If you should have any additional questions or comments regarding this letter, please contact Paul Schlitt of the Department at (858) 637-5510.

Sincerely,



Edmund Pert
Regional Manager
South Coast Region

cc: State Clearinghouse, Sacramento
Paul Schlitt, DFG, San Diego

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Letter 3: Edmund Pert, Regional Manager, South Coast Region, California Department of Fish and Game, March 14, 2011.

3-1: This comment acknowledges that the California Department of Fish and Game (CDFG) has reviewed the DEIR and prepared statements, comments, and recommendations. No additional response is required.

3-2: This comment indicates that non-native grassland may provide important foraging habitat for various species of raptors, and that, because the urban park development proposal sites discussed in the DEIR include non-native grassland (“NNG”), they may provide important forage habitat for raptor species with potential to occur in the vicinity. These comments provide context for the commenter’s suggestion that “consideration should be provided in the final EIR to either retain natural habitats within each park master plan proposal...” or to mitigate direct impacts to NNG at a commensurate mitigation ratio, such as 0.5:1. This comment also quotes from the explanatory text (“Why is this important?”) that follows Goal OS-2. The comment also recommends mitigation for direct impacts to NNG at a ratio commensurate with impacts, for example, 0.5:1.

Please note that the park development proposals would result in changes to *existing* parks/golf courses, as discussed on DEIR pages 3-69, 3-74, and 3-75; these parks generally experience a high amount of human use that discourages foraging activity by sensitive raptor species. The discussion of how the park development proposals would affect these park areas is provided on pages 4.4-83 through 4.4-86 of the DEIR (see p. 4.4-83 – 84 (Las Palmas Park), p.4.4-84-85 (Kimball Park), and 4.4-85 – 86 (El Toyon Park)).

Although the DEIR recognizes NNG as a sensitive vegetation community, as specified on page 4.4-15, insofar as it supports potential raptor foraging and potential foraging by various special status species, the biological resource value, as specified on page 4.4-60, was identified as low. Analysis in the DEIR supports a conclusion that the wide-ranging, special status raptor species that occur in the vicinity are not expected to occur on site at any of the parks (see

e.g. p. 4.4-40 (Las Palmas Park), p. 4.4-51 (Kimball Park), p. 4.4-65 (El Toyon Park)). However, in response to this comment, the FEIR has been revised to clarify that NNG is considered a sensitive habitat community for the reasons discussed above.

3-3: This comment requests additional information to support the statement that “biological resources in the surrounding area are highly tolerant of human activity”. This comment has been noted and pages 4.4-77-4.4-79 and 4.4-84-86, of the FEIR have been revised to provide the requested discussion information. The additional text clarifies that each of the park development proposal sites already subject to high daily use. Please also note that each of the park development proposal sites are *existing* parks. These sites are also surrounded by an urban environment in nearly continuous use by residents and visitors. The Draft EIR presents an adequate description of baseline conditions relevant to the park development proposal sites, and the discussion is appropriate in that it provides sufficient information to analyze the significant impacts of the proposed park projects (see CEQA Guidelines §§ 15125(a), 15151).

3-4: This comment requests the City to establish adequate biological buffers on the Las Palmas, Kimball and El Toyon Park development proposal sites, for the protection of riparian habitat, specifically along Paradise Creek on the Kimball Park site. Please note that the drainage features, streams and associated and adjacent vegetation at each of the park development proposal sites is currently highly disturbed and each of the park development proposals would seek to improve these areas in ways that would improve the habitat quality while also providing recreation and open space in an urban setting (see, e.g., DEIR, p. 4.4-44 (Las Palmas Park), p. 4.4-51 and 56 (Kimball Park), and p. 4.4-65 (El Toyon Park)). In terms of biological resource value, the habitat quality of the areas within the park development proposal sites is limited by their small size, degree of disturbance, and isolation (see, e.g., DEIR, pp. 4.4-33 (Las Palmas Park), 4.4-45 (Kimball Park)).

The disturbed areas described above include vegetation communities which are only considered sensitive because impacts to these habitat types are regulated by state and federal agencies as jurisdictional lands (see, e.g., DEIR, p. 4.4-33). As noted in the DEIR on page 4.4-94, certain regulatory agency permits may be required as a condition of project approval and that the applicant must provide to the City proof of notification of the ACOE and CRWQCB regarding Clean Water Act Section 404/401 Permits, or evidence that such notification is not required. Also required prior to project approval, is proof provided to the City that the applicant has obtained a 1600-series Streambed Alteration Agreement with the CDFG, or proof that such an agreement is not required.

At the time a detailed development plan is proposed by the applicant and in order to provide the required proof stated above, a jurisdictional wetland delineation will need to be conducted by a certified biologist. The jurisdictional delineation will be used to inform the final plan such that buffers will be provided and impacts will be avoided to the maximum extent possible. The plan could contain landscape zones to transition from formal landscaped areas to more natural zones buffering the wetland. In addition, the plan could contain policies to avoid the use of pesticides, fertilizers and herbicides within specified proximity of the wetland. The size and character of the buffers will be determined at that time, in consultation with the CDFG and the Army Corps of Engineers.

Further, the Draft EIR identified Mitigation Measures BIO-3 through BIO-6 to mitigate impacts to wetland habitats. All of these measures provide for offsite mitigation if onsite mitigation is not available.

3-5: This comment recommends including design standards/conditions for affected park master plans that require appropriate biological buffers for riparian habitat. Please refer to Response 3-4 above. The comment further recommends that General Plan Policy OS-2.2 be revised to specify the importance of requiring a biological buffer. The City recognizes the importance of

protecting sensitive habitats including wetlands as demonstrated in Goal OS-2 and Policy OS-2.2.

Policy OS-2.2 in the proposed General Plan has been revised to include further provisions to specify the importance of establishing biological buffers in future development:

Policy OS-2.2: Preserve the ecological integrity of creek corridors, canals, and drainage ditches that support riparian resources by ~~preserving native plants and, to the extent feasible, removing invasive non native plants~~working with California Department of Fish and Game to establish a plant palette that is satisfactory and providing for up to 100-foot buffers that protect against development impacts but allow for existing uses and limited future recreational uses.

The revised Policy OS-2.2 provides enhanced protection for riparian resources by working with CDFG to establish a satisfactory plant palette and by adding up 100-foot buffers to protect these resources.

3-6: This comment recommends revising mitigation measures BIO-1, BIO-2, and BIO-8 to limit disturbances to avian nesting and breeding. Pages 2-9, 2-12-14, 4.4-80, 4.4-80, and 4.4-96 have been revised to add the recommended language to mitigation measures BIO-1, BIO-2, and BIO-8.

3-7: This comment requests that the Multiple Species Conservation Program (MSCP) discussion on page 4.9-3 of the Land Use Section be revised to clarify the appropriate application of the Biological Mitigation Ordinance. Page 4.9-3 of the FEIR has been revised.

3-8: This comment requests that the biological field surveys referenced in the DEIR be included in the Appendices. The referenced field surveys were provided via email to Paul Schlitt, Region 5 CEQA/CESA, South Coast Region, CDFG on April 1, 2011 and have been incorporated as Appendix M of the FEIR. Dates and conditions under which the surveys were conducted are

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described on p. 4.4-8 of the DEIR; Appendix M includes additional discussion of survey methods.

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DEPARTMENT OF TRANSPORTATION

DISTRICT 11

PLANNING DIVISION

4050 TAYLOR STREET, M.S. 240

SAN DIEGO, CA 92110

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COMMENT LETTER #4

March 2, 2011

11-SD-5

National City Comprehensive Land Use Update
DEIR, SCH No. 2010051009

Mr. Raymond Pe, AICP
Principal Planner
City of National City
1243 National City Blvd.
National City, CA 91950

Dear Mr. Pe:

The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the Proposed Draft Environmental Impact Report (DEIR) for the National City Comprehensive Land Use Update SCH No. 2010051009, located in the City of National City (City) and adjacent to Interstate 5 (I-5). Caltrans would like to submit the following comments:

- Mitigation Measure TRANS-3, Caltrans would expect that the feasibility of implementing cumulative impact mitigation along I-5 be thoroughly analyzed, and funded or implemented in a manner consistent with development approvals. Caltrans recommends an impact fee approach similar to the Chula Vista Western Traffic Development Impact Fee Program be considered as a potential strategy as part of this Comprehensive Land Use Update. 4-1
- Mitigation Measure TRANS-2, any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction. This includes any signal coordination with Caltrans ramp intersection signals. 4-2
- Caltrans requests the City to provide the differences in land use assumptions, and 2035 traffic volumes, between the "Southbay III" model, and the San Diego Association of Governments (SANDAG) Regional Model series 11 or 12. 4-3
- Caltrans requests the City to provide the differences in land use assumptions, and 2035 traffic volumes, between the "Southbay III" model, and the San Diego Association of Governments (SANDAG) Regional Model series 11 or 12. 4-4
- Please clarify if the Greenhouse Gas (GHG) inventory analysis relies on the modeling of "smart growth" land use forms to help achieve the cited 15% reduction by 2020. 4-5

Caltrans recognizes that there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both total vehicle miles traveled and the number of trips per household. Caltrans encourages local agencies to work towards a safe, functional, interconnected, multi-modal system to help reduce congestion.

Mr. Raymond Pe
March 2, 2011
Page 2

If you have any questions, please contact Anthony Aguirre, of the Development Review Branch,
at (619) 688-3161.

Sincerely,



JACOB ARMSTRONG, Chief
Development Review Branch

c: Bill Figge, Deputy District Director, Planning Division, Caltrans
Ron Saenz, Associate Transportation Planner, SANDAG

Letter 4: Jacob Armstrong, Development Review Branch Chief, California Department of Transportation, March 2, 2011.

4-1: This comment acknowledges that the California Department of Transportation (Caltrans) has reviewed the DEIR and provides a list of comments. No additional response is required.

4-2: The DEIR identified Impact Trans-3 which results from traffic associated with “buildout of the Comprehensive Land Use Update and other reasonably foreseeable projects in San Diego County” (DEIR page 4.13-77 through 78). This comment recommends using an impact fee approach similar to the Chula Vista Western Traffic Development Impact Fee Program as a potential strategy for funding mitigation along I-5.

The proposed General Plan already includes Policy C-1.6 which requires payment of a fee for transportation related improvements:

Policy C-1.6: Exact fees on new development and redevelopment sufficient to cover the fair share portion of that development's impacts on the local and regional transportation system, including multi-modal facilities, and/or directly mitigate its impacts to the transportation system through construction of improvements.

Furthermore, the City of National City currently participates in a regional Transportation Developer Impact Fee (TDIF) program, consistent with the San Diego Regional Transportation Congestion Improvement Program (RTCIP), for regional and interstate roadways. The TDIF is enacted as Chapter 4.52 of the National City Municipal Code available at: <http://library.municode.com/index.aspx?clientId=16516&stateId=5&stateName=California>.

Additionally, the DEIR notes that regional planning is ongoing for I-5, which National City is participating in as a member of SANDAG (DEIR page 4.13-78). National City does not have jurisdiction over I-5 such that it could “im-

plement” such mitigation measures at this time. Instead, consistent with the programmatic nature of this EIR, the City will continue to coordinate with Caltrans and SANDAG to identify funding opportunities for regional improvements consistent with the RTP. The DEIR therefore concludes that the impact would remain significant and unavoidable because of the lack of a definitive roadway improvement at this time.

4-3: This comment states that any work within Caltrans right-of-way will require discretionary review and approval by Caltrans, including an encroachment permit. This comment is accurate and has been noted. The City will coordinate with Caltrans and obtain encroachment permits as applicable for future work within Caltrans right-of-way.

4-4: This comment requests information regarding the differences in land use assumptions and 2035 traffic volumes, between the Southbay III model and the SANDAG Regional Model Series 11 or 12. The Southbay III model is a SANDAG Regional Series 11 subarea model with the most updated and accurate information for both the City of National City and City of Chula Vista. Prior to choosing the Southbay III subarea model for the DEIR analysis, National City (City) staff reviewed the SANDAG Series 11 Regional Model and found numerous inconsistencies in land uses (for example, the model underestimated land uses and trip generation for the City’s Harbor District located west of I-5) and the transportation roadway network (i.e. number of lanes and speeds, missing links). City staff concluded that the Series 11 Regional Model was inconsistent and outdated for the purpose of an accurate General Plan analysis.

The Southbay III subarea model was created during the City of Chula Vista’s General Plan Update (GPU) effort and has been utilized since that time for all of Chula Vista’s development projects. Therefore, it contains the most updated transportation network and land use information for Chula Vista. For this reason, and as recommended by SANDAG traffic modeling staff, the Southbay subarea model was selected as the base for National City’s General Plan Update. City staff and the DEIR traffic consultant, Fehr & Peers,

worked with SANDAG to update the Southbay III subarea model to include National City's transportation network and land use information to reflect both the City's currently adopted General Plan and proposed General Plan. Traffic Analysis Zones (TAZs) and zone connectors were adjusted to more accurately reflect land use patterns and traffic distribution onto the roadway network.

Appendix F, General Plan Update Circulation Element Technical Report, has been revised to include the trip generation report for both the existing General Plan and the proposed General Plan as an appendix (Appendix C to Appendix F of the General Plan Update Circulation Element Technical Report). It shall be noted that SANDAG also incorporated all of the updates made to the land uses, transportation network, TAZs and zone connectors into their latest Series 12 Regional Model for consistency. The Series 12 Regional Model was not available at the time of the City's Comprehensive Land Use Update analysis. However, the updated Series 11 model (Southbay III) provides an accurate analysis of the trip generation for the proposed project and the surrounding jurisdictions (see DEIR page 4.13-40 for description of the validation process).

4-5: This comment asks for clarification regarding whether the greenhouse gas inventory analysis relies on smart growth land use forms to help achieve the 15 percent reduction by 2020. Smart growth land use forms were included in the Climate Action Plan reduction measures, as stated on page 4.15-35 of the DEIR.

The comment further states that "Caltrans encourages local agencies to work towards a safe, functional, interconnected, multi-modal system to help reduce congestion." Numerous transportation related policies in the General Plan have been drafted to help promote alternative/multi-modal transit (see Policies C-1.2, C-1.3, C-1.5, C-1.6, C-2.1, C-2.2, C-2.3, C-2.6, C-2.8, C-3.3, C-4.2, C-4.3, C-4.5, C-4.7, C-5.2, C-5.4, C-5.10, C-7.1 through C-7.7, C-8.1 through 8.8, and C-9.1 through C-9.6). Numerous additional policies and land use designations have also been included throughout the General Plan and Com-

prehensive Land Use Update to help reduce vehicle miles traveled, including mixed use designations/zoning and increased densities. As discussed in the proposed General Plan:

“National City’s General Plan is designed to complement and support the RCP by basing its land use pattern on the smart growth principles outlined in the RCP. Under this General Plan, future growth including redevelopment, and infill will be directed into compact, mixed-use, and walkable areas that are connected to the regional transportation system. Higher density and intensity development will be focused around transit stops and major corridors that link residences to employment, shopping, health care, educational facilities, and recreational areas. This General Plan will result in increased personal transportation options with priority given to the needs and safety of people traveling by foot, bicycle, and transit. Regional coordination will be a key to effectively guiding land use and transportation planning and investment” (Proposed General Plan, page 2-2).

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B. Regional and Local Agencies

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COMMENT LETTER #5

401 B Street, Suite 800
San Diego, CA 92101-4231
(619) 699-1900
Fax (619) 699-1905
www.sandag.org

March 3, 2011

File Number 3330301

Mr. Ray Pe
Principal Planner
1243 National City Boulevard
National City, CA 91950

Dear Mr. Pe:

SUBJECT: Comments on Draft Environmental Impact Report (EIR) for the
National City Comprehensive Land Use Update

Thank you for the opportunity to comment on the Draft EIR for the National City Comprehensive Land Use Update. The San Diego Association of Governments (SANDAG's) comments are made from a regional perspective, emphasize the need for land use and transportation coordination, and are based on policies contained in the Regional Comprehensive Plan (RCP) and the 2030 Regional Transportation Plan (RTP).

State law gives SANDAG the authority to determine whether a project or plan will need to be reviewed for regional significance. SANDAG staff has reviewed this project and determined that it is regionally significant due to the amount of traffic generated. After a thorough review, we are pleased to see that environmental review of this project includes consideration of applicable policy objectives contained in the RCP and the 2030 RTP.

Specific Comments

Smart Growth Opportunity Areas

A key goal of the RCP is to focus growth in smart growth opportunity areas. The following are four Smart Growth Planning Area place types located within the City of National City: (1) the Town Center designation is located in the Downtown National City Harbor District, (2) the area of Plaza Boulevard from D Avenue to Euclid Avenue is designated Mixed-Use Transit Corridor, (3) the area of Highland Avenue from 8th Street continuing along Sweetwater Road to 30th Street is designated Mixed-Use Transit, and (4) the area at Paradise Valley Hospital Area at Euclid Avenue and 4th Street is designated Community Center.

It appears that the National City Comprehensive Land Use Update generally contributes to meeting and exceeding the density and intensity targets of the Smart Growth Planning Area place types.

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5-1

5-2

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The Smart Growth Concept Map will be updated later this year. At that time, SANDAG will work with all local jurisdictions to incorporate updated local land use inputs to reflect ongoing general and specific plan changes. We look forward to working with your staff on these updates.

5-2
cont.

Housing

The Regional Housing Needs Assessment (RHNA) for the next housing element cycle has been aligned with the San Diego region 2050 RTP, which is scheduled to be adopted in October 2011. The next RHNA will be completed by October 2011, and the deadline for completion of the next housing element revisions will be April 21, 2013, no later than 18 months after the 2050 RTP is adopted.

5-3

General Comments

Multimodal Transportation Analysis

The 2030 RTP sets forth a multimodal approach to meeting the region's transportation needs. As such, we are pleased to see that the traffic analysis for the Comprehensive Land Use Update and the corresponding EIR strive to balance the needs of motorists, transit riders, pedestrians, and bicyclists, reflecting the Complete Streets requirements of Assembly Bill (AB) 1358, which took effect January 1, 2011.

5-4

Please note that SANDAG is currently developing the 2050 RTP. Based on the General Plan Update's timeline, we request that you coordinate its further development with the 2050 RTP and Sustainable Communities Strategy efforts, in addition to the 2030 RTP. Also, the SANDAG Board of Directors has accepted a new Regional Growth Forecast that extends to 2050 for planning purposes that should be considered in additional refinements in this EIR.

5-5

Transportation Demand Management (TDM)

Please consider promoting alternatives to driving alone during peak periods, such as carpooling, vanpooling, bicycling, telecommuting, flexible work hours for employees, and the potential of a TDM plan as a part of this project to help mitigate regional transportation impacts. We recommend contacting the SANDAG iCommute team to explore TDM options.

5-6

Consult with Metropolitan Transit System (MTS) and Caltrans

SANDAG advises the project applicant to consult with MTS, the transit service providers within the project area, and also with Caltrans to coordinate planned transit and/or highway improvements. Additionally, when analyzing future (2030) traffic conditions, SANDAG recommends using the transportation network included in the 2030 RTP Reasonably Expected funding scenario until the 2050 RTP is adopted (scheduled for this fall).

5-7

Natural Environment

A key RCP objective is to preserve and maintain natural areas in urban neighborhoods, such as canyons and creeks, and provide access for the enjoyment of the region's residents. Please consider this criteria if applicable to your project.

5-8

Other Considerations

We are pleased that consideration has been given to AB 32, Senate Bill (SB) 375, SB 97, and Executive Order S-13-08, which call for analysis of greenhouse gas emissions. Additionally, it is suggested that consideration be given to the policies included in the SANDAG Regional Energy Strategy that promote the reduction of energy demand and water consumption.

5-9

We appreciate the opportunity to comment on the Draft EIR for the National City Comprehensive Land Use Update. We encourage the City of National City, where appropriate, to evaluate the project based on the following SANDAG publications: (1) Designing for Smart Growth, Creating Great Places in the San Diego Region; (2) Planning and Designing for Pedestrians, Model Guidelines for the San Diego Region; (3) Trip Generation for Smart Growth; and (4) Parking Strategies for Smart Growth. These publications can be found on our Web site at www.sandag.org/igr.

5-10

If you have any questions or concerns regarding this letter, please contact me at (619) 699-1943, or sba@sandag.org.

Sincerely,



SUSAN BALDWIN
Senior Regional Planner

SBA/RSA/mmo

CITY OF NATIONAL CITY
COMPREHENSIVE LAND USE UPDATE
FINAL EIR
COMMENTS AND RESPONSES

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Letter 5: Susan Baldwin, Senior Regional Planner, San Diego Association of Governments, March 3, 2011.

5-1: This comment acknowledges that the San Diego Association of Governments (SANDAG) has reviewed the DEIR and provides comments from a regional perspective. It also recognizes that the DEIR considers the objectives of the Regional Comprehensive Plan (RCP) and 2030 Regional Transportation Plan (RTP). No additional response is required.

5-2: This comment acknowledges that the Comprehensive Land Use Update contributes to meeting and exceeding the density and intensity targets of the SANDAG Smart Growth Planning Area place types. National City has already worked with SANDAG to incorporate updated land use inputs for the Smart Growth Concept Map update. The DEIR also acknowledges SANDAG's designation of parts of National City as a Town Center and a Mixed Use Transit Corridor (see DEIR page 5-35). No additional response is required.

5-3: This comment states that the Regional Housing Needs Assessment (RHNA) for the next housing element cycle is aligned with the San Diego Region 2050 RTP. The anticipated RTP adoption date and deadline for subsequent revisions to housing elements are provided. The DEIR notes these changes on page 3-10 and 3-11. No additional response is required.

5-4: This comment recognizes that the traffic analysis for the Comprehensive Land Use Update DEIR uses a multimodal approach to transportation and reflects the Complete Streets requirements of AB 1358 [2008]. Please also see proposed General Plan page 3-74 for additional discussion of AB 1358 [2008]. No additional response is required.

5-5: This comment requests that the City coordinate further development of the Comprehensive Land Use Update with the SANDAG 2050 RTP and Sustainable Communities Strategy efforts. It also recommends considering the 2050 Regional Growth Forecast in refinements in the EIR. The DEIR is

based on the SANDAG 2050 Regional Growth Forecast (see proposed General Plan page 1-9, DEIR pages 3-43, 4.11-1 through 4.11-7, and DEIR Appendix A pages A-6 and A-9). No additional response is required.

5-6: This comment recommends promoting alternatives to driving alone during peak periods and a Transportation Demand Management (TDM) plan as part of the project, to help mitigate regional transportation impacts. The Circulation Element of the Draft General Plan already includes goals and policies that promote multimodal transportation options and alternatives to driving alone, including TDM strategies. Therefore, additional policies and programs are not required. For example the following policies directly address alternative modes of transit discussed in the comment letter:

Policy C-4.1: Encourage businesses to provide flexible work schedules for employees.

Policy C-4.2: Encourage employers to offer shared commute programs and/or incentives for employees to use transit.

Policy C-4.4: Encourage carpooling and other shared commute programs.

Policy C-4.5: Encourage the use of alternative transportation modes.

Policy C-4.6: Prioritize attention to transportation issues around schools to reduce school-related vehicle trips.

Policy C-4.7: Seek opportunities to reduce vehicle trips before requiring physical roadway improvements.

Policy C-8.4: Promote walking as the primary travel mode to schools.

General Plan Implementation Measures: PO-5 (Website and Events), PT-10 (Commuter Benefits Program).

Furthermore, inherent in the General Plan, are features designed to help reduce personal vehicle use. As discussed in the proposed General Plan:

“National City’s General Plan is designed to complement and support the RCP by basing its land use pattern on the smart growth principles outlined in the RCP. Under this General Plan, redevelopment, infill, and new growth will be targeted into compact, mixed-use, and walkable areas that are connected to the regional transportation system. Higher density and intensity development will be focused around transit stops and major corridors that link residences to employment, shopping, health care, educational facilities, and recreational areas. This General Plan will result in increased personal transportation options with priority given to the needs and safety of people traveling by foot, bicycle, and transit. Regional coordination will be a key to effectively guiding land use and transportation planning and investment” (Proposed General Plan page 2-2).

Additional policies have been included in the proposed General Plan to promote alternative modes of transit by ensuring support facilities are included in new development. Such policies include:

Policy C-1.2: Require new development to provide and enhance connectivity to existing transportation facilities via the provision of key roadway connections, sidewalks, and bicycle facilities.

Policy C-1.3: Require new development and redevelopment to provide good internal circulation facilities that meets the needs of walkers, bicyclists, children, seniors, and persons with disabilities.

Policy C-4.3: Require new uses to provide adequate bicycle parking and support facilities.

Policy C-8.2: Require new development and redevelopment to incorporate pedestrian-oriented street designs that provide a pleasant environment for walking.

Policy C-9.2: Require new development and redevelopment to provide safe, secure bicycle parking facilities.

Policy C-9.3: Require new development and redevelopment to provide connections to existing and proposed bicycle routes, where appropriate.

Policy C-9.4: Encourage existing businesses and new development or redevelopment projects to promote bicycling and provide bike rack facilities, personal lockers, and shower rooms.

Additional policies have been included in the proposed Land Use Code changes. For example, pedestrian oriented zoning has been implemented (see mixed use zones MXC-1, MXC-2, MXD-1, and MXD-2). Additionally, Section 18.45.120 requires Bicycle Parking facilities with certain types of new development as well as shower facilities. In addition to the currently proposed Land Use Code revisions, additional changes will be made in the future to implement the General Plan (see DEIR page 3-13 for additional discussion of implementation of the General Plan).

5-7: This comment advises the City to consult with the Metropolitan Transit System (MTS), other transit service providers, and Caltrans to coordinate planned transit and/or highway improvements. For the analysis of 2030 traffic conditions, SANDAG recommends using the transportation network included in the 2030 RTP Reasonably Expected funding scenario until the 2050 RTP is adopted. MTS and Caltrans were consulted during the preparation of the traffic analysis (General Plan Update Circulation Element Technical Report, Senior Village Expansion Project Traffic Impact Analysis, and Las Palmas Park Expansion Traffic Impact Study). The traffic analysis is based on the Southbay III model, as described in Response to Comment 4-4. Please also see Response to Comment 4-5 for discussion of highway improvement

coordination. Please also note that the proposed General Plan also contains policies and implementation measures for the City to work with Caltrans, SANDAG, and MTS on transportation improvements:

Policy C-2.4: Work with Caltrans, SANDAG, MTS, and other responsible agencies to identify, plan, and implement needed transportation improvements.

Policy C-3.3: Consult with MTS regarding updates to the BRT and local bus routes and related activities.

General Plan Implementation Measures C-3 and C-6.

5-8: This comment suggests considering the RCP objective to preserve and maintain natural areas in urban neighborhoods, if applicable. This objective was considered in the development of the General Plan goals and policies. Please see the Open Space and the Conservation Elements of the General Plan for discussion of existing and proposed open space (see proposed General Plan pages 3-147 through 3-184, and 3-185 through 3-212; see also DEIR Section 4.4 (Biological Resources), and Section 4.12 (Public Services & Recreation)).

5-9: This comment recognizes that the DEIR analyzes greenhouse gas emissions consistent with AB 32, SB 375, SB 97 and Executive Order S-13-08. It also suggests considering the policies included in the SANDAG Regional Energy Strategy that promote energy and water conservation. These policies were considered in the development of the General Plan and the Climate Action Plan reduction measures. Please also see DEIR Sections 4.14 and 4.15 for additional discussion of energy conservation measures and Sections 4.8 and 4.14 for discussion of existing and proposed water conservation measures.

5-10: This comment encourages the City to evaluate the project based on a selection of SANDAG publications. Many of the principles and concepts discussed in SANDAG's publications have been incorporated into the Proposed Project.

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Development Services Department

March 9, 2011

Mr. Ray Pe
National City Community Development Department
1243 National City Boulevard
National City, CA 91950

Subject: National City Comprehensive Land Use Update (GPU) Draft EIR (DEIR)

Dear Ray:

Thank you for the opportunity to review and comment on the above referenced GPU and DEIR. The City of Chula Vista received the notice for the proposed project via your email on February 8, 2011. Please be advised that the Notice of Availability was not sent to the person identified in our NOP response letter as the contact person for this project. As a result we were not able to obtain the documents for review until February 15th. We immediately set up an orientation with you and your staff on February 16th to get an overview of the proposed project, and appreciate your accommodation.

It is our understanding that the project involves amendments to various policy-level documents (comprehensive General Plan update) including regulatory code (Downtown Specific Plan, Local Coastal Program, Land Use Code, and Climate Action Plan) updates. The EIR also examines 5 project proposals at a project level, and as we understand, no further CEQA review would be done for these projects.

Considering the limited review time, our comments below represent a condensed review focused on Land Use and Traffic components of the DEIR as it relates to potential effects in Chula Vista.

Land Use

1. The DEIR does not clearly differentiate between the project (GPU) analyzed at a Program Level and the projects that are to be analyzed at the full project level as defined by CEQA section(s) 15168 and 15161. The document does not appear to contain the evaluation of required site specific operations and related environmental effects as consistent with the requirement of CEQA section 15168 (c) (4) and (5). The EIR should clearly identify how subsequent activities would be evaluated to ensure that they are within the scope of the project. The EIR should identify the how projects that exceed the assumptions of this program level document would be evaluated at a project level.
2. The GPU introduces 2 new Mixed Use Designations: Minor Mixed Use (48 du/ac max FAR 2.0) and Major Mixed Use (75 du/ac max FAR 3.5). These designations would be

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implemented with corresponding new mixed use zones: MXD-1 (48 du/ac max FAR 2.0) and MXD-2 (78 du/ac max FAR 3.5).

The analyses appear to use a blended mid-rate (i.e. between 48 and 75 du/ac) rather than full build-out capacities. As stated above, the proposed General Plan densities would be implemented via the proposed Land Use Code that would allow this development without further discretionary review. The DEIR does not appear to analyze all potential development densities at a project level even though the Land Use Code would permit development at maximum densities by right. The full buildout capacity level needs to be evaluated in the EIR including the potential effects of the maximum density and full development that could be implemented through the Land Use Code (i.e. by right).

**6-3
cont.**

The evaluation should include a Plan to Plan and a Plan to Ground analysis. The Plan to Plan analysis should evaluate the densities/capacities of the existing General Plan compared to the proposed General Plan. This analysis should determine the difference in the total number of additional dwelling units that would be permitted under the proposed General Plan and the impacts of the additional units must be analyzed in this document. The Plan to Ground analysis should evaluate the existing number of units on the ground today as compared to the remaining capacity in the proposed General Plan. The document should clearly identify what the density increase is from the proposed plan and what the impacts of the additional density are.

6-4

The Major Mixed Use designation and corresponding MXD-2 zone is proposed for the Dixieline site. An MOU was recently adopted by both the City of Chula Vista and the City of National City that addresses the potential municipal boundary line adjustment between the two Cities. According to the proposed National City General Plan the Dixieline site could potentially be annexed into the City of Chula Vista. Regardless of annexation potential, the DEIR should analyze the potential impacts to adjacent Chula Vista facilities and infrastructure, including land use compatibility to the surrounding Chula Vista zoned Commercial and Industrial lands, based on the ultimate densities and development that would be permitted within the MXD-2 zone. The facilities and infrastructure evaluation of the Dixieline site should utilize Chula Vista standards and thresholds in its evaluation. This is particularly important since we understand that any future Mixed-Use project would be permitted by right.

6-5

3. The Las Palmas Park Project proposes an additional 40,000 square feet of commercial. This could result in impacts to traffic, and other infrastructure and municipal services. The DEIR does not appear to disclose these potential impacts at the project level. At a minimum, the potential impacts should be considered and clearly analyzed at a project level.
4. According to Table 3-2 within the Project Description section of the DEIR, the GPU proposes a net increase of 5,091 dwelling units and a projected total 21,974 dwelling units at buildout. The footnote refers to Appendix A, "Buildout Assumptions" as a source for further explanation of this table. Appendix A explains that calculating "theoretical density

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6-7

yield” is based on the assumption that the maximum densities are rarely developed at 100%. Thus the assumptions would be 75% for residential uses within the Minor Mixed Use designation at a density of 48 du/ac and 60% for the residential uses within the Major Mixed use designation at a density of 75 du/ac. However, upon review of the narrative, it is unclear to the reader as how the 5091 dwelling units net increase and projected total 21,974 dwelling units were derived. The assumptions do not consider the scenario that the densities could be developed at 100% as allowed by the proposed Land Use Code by right, and would exceed the 60% and 75% “theoretical density yield”. The Appendix A needs to include a comparative analysis of the “theoretical density yield” (60-75%) as well as the “maximum density yield” (i.e. 100%) in order to adequately assess the buildout dwelling units.

6-7
cont.

Traffic

1. The traffic analysis does not include/consider the potential for Traffic Oriented Design around the I-805/Plaza Boulevard BRT station. The traffic analysis should include and address the potential impacts, from the potential Traffic Oriented Design at this location.
2. The DEIR does not provide adequate traffic data to support its analyses rather it directs the reader to Appendix H and G for project level traffic assumptions and methodology. The DEIR needs to provide a traffic analysis in the EIR that clearly substantiates the determination regarding the level of impact from the adoption of General Plan Update.

6-8

6-9

We appreciate the opportunity to comment on this Draft EIR and look forward to reviewing the final EIR. The City of Chula Vista requests notification prior to any and all scheduled public meetings, hearings, and workshops, and availability of draft documents related to the proposed project. Please send notices to Marilyn Pongseggi. If you have any questions regarding the above comments, please contact me at (619) 409-5953. We would be happy to meet with you to discuss these comments.

Sincerely,



Stan Donn
Senior Planner

Cc: Gary Halbert, Development Services Director/Deputy City Manager
Ed Batchelder, Advance Planning Manager
Marilyn Pongseggi, Principal Planner
Tom Adler, Land Development Division Manager
Dave Kaplan, Transportation Engineer

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Letter 6: Stan Donn, Senior Planner, City of Chula Vista, March 9, 2011.

6-1: This comment acknowledges that the City of Chula Vista has reviewed and commented on the DEIR. The comments focus on the Land Use and Traffic components of the DEIR as they relate to potential effects in Chula Vista. Please see DEIR Chapter 3 for a more detailed project description.

6-2: This comment states that the DEIR does not clearly differentiate between the project analyzed at the program level and the projects analyzed at the project level. It also states that the DEIR does not contain the evaluation of site specific operations and related environmental effects consistent with CEQA section 15168 (c) (4) and (5). Under Section A of the DEIR, on page 2-1 of the Report Summary, there is a clear description of the project being analyzed, including the program level analysis of the “Regulatory Changes” or “Program level Impact of the Regulatory Changes” and the project level analysis of the “Development Proposals” or “Project-Level Impact of the Development Proposals.” Further, the impact analysis for each resource section in Chapter 4 is similarly structured and delineated with separate headings under each threshold for the program level analysis of the “Regulatory Changes” and the project level analysis of the “Development Proposals”. This comment also suggests that the DEIR should identify how subsequent activities and projects that exceed the assumptions of the program level document would be evaluated. All subsequent activities and projects not evaluated in the DEIR will follow the pertinent CEQA requirements.

6-3: For clarification, there are two General Plan mixed use designations (“Minor Mixed Use” and “Major Mixed Use”), and four mixed use zones: MXC-1 and MXD-1 (implementing the Minor Mixed Use designation), and MXC-2 and MXD-2 (implementing the Major Mixed Use designation). The proposed densities and intensities referenced in the comment are also incorrect (i.e. MXD-2). The densities and intensities are as follows (with minor reductions in the zoning density and intensity, depending upon whether a single use is proposed):

- ◆ General Plan Designation – “Minor Mixed Use”: FAR 2.0; 48 dwelling units per acre.
 - **Land Use Code – MXC-1 Zone:** FAR: min 1.0 max 2.0; max 48 dwelling units per acre (Land Use Code Table 18.24.040A).
 - **Land Use Code – MXD-1 Zone:** FAR: min 1.0 max 2.0; max 48 dwelling units per acre (Land Use Code Table 18.24.040C).
- ◆ General Plan Designation – “Major Mixed Use”: FAR 3.5; 75 dwelling units per acre.
 - **Land Use Code – MXC-2 Zone:** FAR: min 2.0 max 3.5; max 75 dwelling units per acre (Land Use Code Table 18.24.040B).
 - **Land Use Code – MXD-2 Zone:** FAR: min 2.0 max 3.5; max 75 *dwelling units per acre* (Land Use Code Table 18.24.040D).

The comment states “The DEIR does not appear to analyze all potential development densities at a project level even though the Land Use Code would permit development at maximum densities by right. The full buildout capacity level needs to be evaluated in the EIR including the potential effects of maximum density and full development that could be implemented through the Land Use Code (i.e. by right).”

The DEIR analyzes reasonably foreseeable growth at the horizon year, consistent with CEQA, consistent with General Plan Law (Government Code 65300 et seq.), and consistent with the methodology employed by other jurisdictions. Furthermore, numerous types of land uses would require a conditional use permit, and would not be allowed “by right.” For example, see Table 18.24.050 in the proposed Land Use Code which requires conditional use permits for certain types of uses in the Mixed Use zones. Future discretionary actions will also trigger project specific review under CEQA.

The DEIR Project Description describes the buildout methodology used in the analysis:¹

¹ Similar methodology was employed by SANDAG in the 2050 Growth Forecast. As discussed therein, “The 2050 Regional Growth Forecast is developed through

“As discussed in the Office of Planning and Research 2003 General Plan Guidelines, most jurisdictions select a 15 to 20 year planning horizon. This EIR evaluates the projected buildout of the Comprehensive Land Use Update in the 2030 horizon year, consistent with CEQA requirements that an EIR evaluate the “reasonably foreseeable” direct and indirect impacts of a proposed project (see CEQA Guidelines Section 15378(a)).

The level of development evaluated in this EIR is based upon reasonable assumptions for development activity anticipated to occur up to the 2030 horizon year. Actual development in any city or county is typically less than the theoretical limit of development. This is a result of market

a multi-step, collaborative process involving input and review by a wide range of local, regional, and subject-area experts. The first step in the forecast process is to develop a region-wide growth projection of population, jobs, housing, and other demographic and economic characteristics. The region-wide projections are developed using the Demographic and Economic Forecasting Model (DEFM), which has had a 30-year track record of accurate region-wide projections. The DEFM input, assumptions, and results were reviewed twice by a panel of subject-area experts, including representatives from local universities, economic and workforce development agencies, resource providers, public-sector partners, and key industries. The panel represented areas of expertise ranging from economic and demographic trends to housing and resource issues. The region-wide projections then become one input into the subregional, or neighborhood-level, forecast. The second key component of the subregional forecast is local land use data, developed through extensive collaboration with each of the 18 cities and the County of San Diego, as well as other land use agencies such as the tribal governments and Department of Defense. The local land use inputs incorporate such information as existing development, general plans, constraints to development (e.g. floodplains, steep slopes, habitat preserves, historic districts, building height restrictions, and zoning), and permitted projects in the development pipeline. The final building blocks of the subregional forecast are proximity to existing job centers (along with travel time and commute choice information), and historical development patterns. These four key inputs influence the probability of a neighborhood’s future growth. The results of this model were then reviewed by each jurisdiction’s staff, and the final forecast was adjusted based on local feedback” (page 2, Available at http://www.sandag.org/uploads/projectid/projectid_355_10794.pdf).

forces, population growth (including birth rates and immigration), as well as building and zoning restrictions, availability of resources, and other federal, State, and local regulations. A detailed synopsis of the process to estimate projected 2030 buildout is provided in Appendix A and this section provides a brief overview. The projected 2030 buildout is based in part on the allowable uses and maximum densities and intensities for each land use designation and zone in the planning area. This includes assumptions about known potential development projects and the land use designations included in the General Plan land use map and zones included in the Land Use Code zoning map” (DEIR pages 3-41 through 3-42; see also DEIR Appendix A, “Buildout Assumptions”).

As discussed in DEIR Appendix A:

“It is unlikely that maximum theoretical buildout would ever occur, since it assumes that every parcel is developed at the maximum allowed density. Actual development in any city or county is typically less than the theoretical limit of development. This maximum theoretical pattern of development would not be consistent with (1) the historical growth patterns in National City, (2) the current economic climate of the region, and (3) other limitations imposed by Federal, State and local regulations. Therefore, maximum theoretical buildout does not provide an accurate or appropriate estimate of the potential effects of the Comprehensive Land Use Update. The maximum theoretical buildout of 48,232 dwelling units represents a 148 percent increase from the 19,416 total dwelling units in the Planning Area in 2030 forecasted by the San Diego Association of Governments (SANDAG) based on building permit data and information on future development trends” (DEIR Appendix A, pages A-1 and A-4 footnotes omitted).

The approach used in the DEIR is also consistent with the CEQA Guidelines and CEQA case law. CEQA requires analysis of reasonably foreseeable impacts (see CEQA Guidelines Section 15064(d)). As a corollary to this rule, CEQA does not require analysis of impacts that are too remote or specula-

tive. It is appropriate to discuss reasonably foreseeable growth at the horizon year of the proposed project; impacts beyond this time frame are highly speculative. The approach taken in the DEIR is consistent with OPR's 2003 General Plan Guidelines, which state that most jurisdictions select a 15 to 20 year planning horizon.² This approach is also consistent with recent CEQA case law. (See *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437 [holding the DEIR did not need to assume second dwelling unit [theoretical buildout] would be constructed even though allowed by zoning.] See also *Sondermann Ring Partners-Ventura Harbor v. City of San Buena Ventura* 2008 WL 1822452 (Unpublished) ["Sondermann asserts the EIR does not comply with CEQA because it does not analyze impacts of full build-out under the updated general plan...The updated general plan analyzes growth potential over the 20-year life of the plan. [A]n EIR is not required to engage in speculation in order to analyze a 'worst case scenario.'"])

Similarly, an EIR is not required to assume a worst case scenario (i.e. maximum theoretical buildout) and can rely upon reasonable assumptions. (*Towards Responsibility in Planning v. City Council* (1988) 200 Cal.App.3d 671; CEQA Guidelines Sections 15064 and 15358; *City of Long Beach v. Los Angeles Unified School District* (2010) 176 Cal.App.4th 889; *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018 ["A public agency can make reasonable assumptions based on substantial evidence about future conditions without guaranteeing that those assumptions will remain true. (Pub. Resources Code, § 21080, subd. (e); *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 412, 183 Cal.Rptr. 898."]; see similar NEPA requirements *Robertson v. Methow Valley Citizens Council* (1989) 490 U.S. 332.) As noted in the DEIR discussion above, there are various other factors that would preclude maximum theoretical buildout from occurring.

² OPR's 2003 General Plan Guidelines page 14. Available at: http://www.opr.ca.gov/planning/publications/General_Plan_Guidelines_2003.pdf

The approach taken in this DEIR is also consistent with other General Plan EIRs (see Sacramento General Plan EIR³ and Santa Monica General Plan (LUCE) EIR).⁴ Furthermore, if the City were to assume maximum theoretical buildout (assuming 148 percent increase above projected growth) this could result in additional environmental impacts resulting from construction of any new mitigation measures/improvements for growth that is not expected to materialize.

The comment also states that the DEIR does not analyze impacts associated with the Land Use Code at a “project level.” As discussed under CEQA Guidelines Section 15146(b) “An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption, or amendment, *but the EIR need not be as detailed as an EIR on the*

³ Sacramento General Plan EIR “...assuming development would be at 80 percent of the maximum development potential associated with each land use designation...” (pages page 5-11 and 6.0-1). Available at http://www.sacgp.org/master-eir/documents/Part1_GPMasterEIR.pdf.

⁴ Santa Monica General Plan (LUCE) EIR: “Future year forecasts for the proposed LUCE identify a potential amount of change that would be anticipated under the proposed LUCE during the 20 year planning period. The forecasts incorporate the proposed LUCE strategies to conserve residential neighborhoods and direct intensive residential pressure into mixed-use transit-served corridors, to transform regional commercial to housing opportunities and encourage local-serving uses. These forecasts identify a potential future scenario *based on reasonable assumptions* and the best data available. *Forecast estimates were checked against regional projections from the Southern California Association of Governments (SCAG) and the California Department of Finance (DOF)...* An effective Floor Area Ratio (FAR) was determined for each district based on proposed LUCE standards, setback requirements, loading areas, and site design considerations as well as existing development trends for the districts. This effective FAR was then applied to the selected underutilized land area to conclude total development estimates... Total development for the commercial districts and the residential neighborhoods was then checked for consistency with growth projections estimated by the SCAG for the City of Santa Monica within the same study period.” (page 3-16). Available at: http://www.shapethefuture2025.net/PDF/eir/luce_feir_I.pdf.

specific construction projects that might follow.” (Emphasis added.) As noted on DEIR page 3-1, the analysis is programmatic in nature for the General Plan and related regulatory changes. It would not be appropriate to provide additional project level analysis where specific projects have not yet been proposed. While population growth and the associated development under the horizon year of the General Plan and regulatory changes is reasonably foreseeable, development on any particular parcel (except the five development proposals) is largely speculative (see *Rio Vista Farm Bureau Center et al. v. County of Solano* (1992) 5 Cal.App.4th 351).

6-4: This comment requests both a Plan to Plan and a Plan to Ground analysis in the DEIR. Consistent with CEQA requirements, the impact analysis compares the proposed project to existing conditions (see CEQA Guidelines Section 15125(a) and 15126.2(a)). This “Plan to Ground” impact analysis is provided in Sections 4.1 through 4.15 of the DEIR (see DEIR page 4-2 for a more detailed discussion of this methodology). The comment also requests a “Plan to Plan” analysis. Consistent with CEQA requirements, the DEIR also provides a comparison of the Proposed Project to the No Project Alternative in Chapter 5 (“Existing General Plan”). As discussed under CEQA Guidelines Section 15126.6(e)(3)(A) “When the project is the revision of an existing land use or regulatory plan policy or ongoing operation, the ‘no project’ alternative will be the continuation of the existing plan, policy or operation into the future.” Furthermore, Table 5-1 of the DEIR provides a comparison of buildout under the proposed project and the Existing General Plan.

6-5: This comment states that the DEIR should analyze the potential impact to adjacent Chula Vista facilities and infrastructure. The DEIR’s impact analyses were not limited to the geographic borders of the City. As discussed on DEIR page 3-2 “The EIR, however, also includes an analysis of indirect impacts associated with the proposed project which may occur beyond the jurisdictional boundaries of National City. These are evaluated in the applicable individual resource sections.” Similarly, the DEIR also notes “Individual cumulative impacts may occur over different geographic areas. The cumulative discussions in Sections 4.1 through 4.15 explain the geographic scope of

the area affected by each cumulative effect” (DEIR page 4-3). The comment does not provide information on any impacts that have not already been addressed in the DEIR.

This comment also calls for the use of City of Chula Vista’s standards and thresholds in the evaluation of the Dixieline site. While the City considered the City of Chula Vista’s thresholds to ensure compatibility, because the Dixieline site is located within the National City city limit and the City of National City is the lead agency,⁵ the EIR evaluated impacts under the thresholds the City believed to be appropriate for the proposed project. (Please also see Response to Comment 7-9.) In some instances this included Chula Vista’s thresholds.⁶ Furthermore, the comment does not state how Chula Vista’s thresholds differ nor does it describe how this would have any substantive effect on the significance conclusions. Further, as noted on page 4.9-55 of the DEIR, Policy LU-3.1 demonstrates that the City will work with neighboring jurisdictions in planning contiguous areas in order to ensure compatible land uses. Please also see Response to Comment 6-3.

6-6: This comment requests that the 40,000 square feet of commercial space on the Las Palmas Park development proposal site be analyzed for impacts to traffic and other infrastructure. The Las Palmas Park and Facilities Vision

⁵ The lead agency has discretion to set its own significance criteria. “The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An iron clad definition of significant effect is not always possible because the significance of an activity may vary with the setting” (CEQA Guidelines Section 15064(b)). Therefore, “a lead agency has the discretion to determine whether to classify an impact described in an EIR as ‘significant,’ depending on the nature of the area affected” (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477).

⁶ As further discussed on DEIR page 4.13-62, “Potential impacts were assessed using the applicable significance criteria from the jurisdiction in question...The City of Chula Vista considers LOS C in non-Urban Core areas and LOS D in Urban Core areas to be the acceptable standards for Circulation Element roadway segments.”

Concept Plan, including the 40,000 square feet of commercial space, was analyzed throughout the DEIR. As discussed in the DEIR Project Description:

“In the DEIR, discussion of the “Proposed Project,” “General Plan and related planning documents,” or references to “Regulatory Changes” in the DEIR typically refer to these planning documents and the implementing regulations (i.e. the Land Use Code). While the five development proposals are included as part of the projected buildout of the Proposed Project, more specific information is also provided throughout the DEIR for the five development proposals; typically addressed in analyses labeled by the development proposals’ name (e.g. Las Palmas Park and Facilities Vision Concept Plan) (see Project Description Section II.)” (DEIR page 3-10).

Please also see Response to Comment 6-2. Furthermore, the commercial development proposed in Las Palmas Park was included in the traffic impact analysis for the “Regulatory Changes.” The Regulatory Changes impact analysis relied upon the “Year 2030 Plus Project Conditions” (see DEIR Table 4.13-6). This scenario is described in the DEIR as including “...trip generation from (1) existing conditions, (2) projected growth under the Regulatory Changes, (3) *the five Development Proposals...*” (DEIR page 4.13-45). As further discussed in the DEIR:

“Las Palmas Park and Facilities Vision Concept Plan - This expansion proposal would generate additional traffic resulting from the proposed commercial space and thus a detailed traffic impact analysis was prepared to identify all potential impacts. Las Palmas Park is a 20-acre park located directly west of Interstate 805 that extends from E. 18th Street to the north to Sweetwater Road to the south. Access to the park is via two driveways, one from 20th Street and the other from E. 22nd Street, each with a one-way stop controlled intersection. Access to the commercial portion of the Project site would be via Grove Street to/from Sweetwater Road.” (DEIR page 4.13-5.)

This approach taken in the DEIR is consistent with analyzing the impacts of the “whole of an action” (i.e. all components of the proposed project including the Regulatory Changes and the Five Development Proposals) (see CEQA Guidelines Section 15378(c)). As noted on DEIR page 4.13-66 “Impacts to Planning Area roadway segments resulting from implementation of the Development Proposals were evaluated as part of the 2030 plus project analysis in Section F.1.a.i of this Chapter, and the results are shown in Table 4.13-6 above.” A project level Traffic Impact Study (TIS) was prepared specifically for the Las Palmas Park Expansion project (Appendix H) and 40,000 sq. ft. of commercial space was assumed in this TIS. The trip generation rate was obtained from the SANDAG “(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region”, which is used throughout of the region. The potential traffic impacts resulting from the proposed Las Palmas Park expansion were identified based on 40,000 sq. ft. of commercial, therefore all traffic related impacts are adequately disclosed in the TIS. While not required under CEQA, more detailed component specific analysis of the Las Palmas Park traffic was provided in Appendix H of the DEIR. This information was summarized on DEIR page 4.13-66:

“Project-specific traffic analysis for the Grove Street and Sweetwater Road intersection, a key intersection in the vicinity of the Las Palmas Park and Facilities Vision Concept Plan Site, determined that that intersection would operate at an acceptable LOS D in the AM peak period but at an unacceptable LOS F in the PM peak period. The Grove Street and Sweetwater Road intersection is located along a segment of Sweetwater Road identified as significantly impacted on Table 4.13-6 and in the program-level impact analysis discussion above in Section F.1.a.i of this Chapter.”

As discussed on page 4.13-68, this impact is mitigated to less than significant:

“As part of the County of San Diego’s General Plan Update, Sweetwater Road is planned as a four-lane facility in 2030. This would reduce impacts to a less-than-significant level in 2030.

As part of ongoing multi-jurisdictional programs such as Regional Arterial Management System (RAMS) and Traffic Light Synchronization Program (TSLP), the cities of National City and Chula Vista and Caltrans will continue to implement coordinated traffic signal timing along the National City Boulevard/Broadway Avenue corridor to improve traffic flow and progression. These implementation measures will ensure that impacts associated with increased congestion levels are less than significant” (see also DEIR Appendix H, Table 5.4, showing a LOS B after mitigation).

The comment also expresses general concerns about infrastructure, and is therefore directed to DEIR Section 4.14 for discussion of infrastructure. However, without more specific concerns (i.e. sewer infrastructure, water supply infrastructure, etc...) it is not possible to provide a more detailed reference to the analyses in the DEIR.

6-7: This comment requests further information regarding how the 5,091 net increase in dwelling units was derived. It states that Appendix A should include both the “theoretical density yield” and “maximum density yield”. As described in the response to comment 6-3, the “maximum density yield” is not reasonably foreseeable and therefore not consistent with Section 15064(d) of the CEQA Guidelines. Paragraph two on page A-6 of Appendix A clearly describes the assumptions used to calculate the 5,091 net new dwelling units. As further discussed in Response 6-3 “[a] public agency can make reasonable assumptions based on substantial evidence about future conditions *without guaranteeing that those assumptions will remain true*. (Pub. Resources Code, § 21080, subd. (e); *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 412, 183 Cal.Rptr. 898.” (*Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018.) As further noted under Response to Comment 6-3, such theoretical development would constitute a 148 percent increase above growth projections and is therefore highly speculative and unrealistic.

6-8: This comment calls for the consideration of the potential for “Traffic Oriented Design” around the I-805/Plaza Boulevard BRT station in the traffic analysis. It is unclear what the comment means by “consider the potential for Traffic Oriented Design.” Consistent with the requirements of CEQA, the DEIR analyzes impacts of the proposed project in comparison to existing conditions (see CEQA Guidelines Sections 15125(a) and 1526.6(a)). Furthermore, the DEIR consider impacts to alternative modes of transit (pedestrians, bicyclists, mass transit) (see DEIR thresholds on page 4.13-46 and the ensuing impact analyses). To the extent the commenter is referring to contemplated (but unconstructed) improvements. This is beyond the scope of the impact analysis (see CEQA Guidelines Section 15126.2(a) [impacts based upon changes to the “existing physical conditions.”]). As discussed in the General Plan Circulation Element, numerous policies have also been implemented to support alternative modes of transit (mass transit, walking, bicycling).

6-9: This comment states that the body of the DEIR does not include sufficient traffic data and instead references to Appendix G and H. The Impact of the proposed project as a whole including the “adoption of the General Plan Update” are provided in Table 4.13-6 of the DEIR. The reader was only directed to Appendices G and H for component specific traffic analysis. However, pages 4.13-66 to 4.13-67 of the FEIR have been revised to include a brief summary of impacts identified for the Street Conversions/Community Corridors, Kimball Park Master Plan and El Toyon Park Master Plan and detailed project-specific analysis is included in Appendix F Appendices G and H for reference. As noted on DEIR page 4.13-66, trip generation from these project components was included in Tables 4.3-6 and 4.3-7 and the significance conclusions. Therefore this information does not result in new or increased significant impacts and does not trigger recirculation.

However, as discussed under Response to Comment 6-6, CEQA requires analysis of the whole of the action, not the individual components thereof (see *Big Rock Mesas Prop. Owners Ass’n v. Board of Supervisors* (1977) 73 Cal.App.3d 218, 277; see also *No Oil, Inc. v. City of Los Angeles* (1987) 196

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Cal.App.3d 223, 235 [analysis required for the project as a whole, not the various components thereof]). This analysis was provided in the DEIR.

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B. Non-Profit Associations and Members of the Public

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COMMENT LETTER #7

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March 10, 2011

Mr. Brad Raulston
City of National City
Community Development Department
1243 National City Boulevard
National City CA 91950

Via Electronic Mail
braulston@nationalcityca.gov

**Re: Draft National City General Plan Update and DEIR
Environmental Health Coalition Comments**

Dear Mr. Raulston:

Please accept these comments on behalf of our client, Environmental Health Coalition (EHC), a grassroots organization, located in National City, dedicated to achieving environmental and social justice. EHC believes justice is accomplished by empowered communities acting together to make social change, and has been actively involved in the General Plan Update ("GPU" or "Project") throughout the planning process. EHC looks forward to the GPU as a continuation of its many efforts to bring environmental justice and community benefits to the people of the City of National City ("City"), including the adoption of the Westside Specific Plan.

7-1

The comments provided below pertain to the GPU itself, specifically the Health and Environmental Justice (HEJ) element, and the supporting draft Environmental Impact Report (DEIR) prepared for compliance with the California Environmental Quality Act (CEQA). Specifically, Project impacts to air quality and hazards/hazardous materials are inadequately analyzed in the DEIR, and therefore appropriate mitigation measures are lacking. In response thereto, EHC provides both suggested revisions to the DEIR analysis and proposed mitigation measures to address said impacts.

7-2

I. The Inclusion of the Health and Environmental Justice Element Will Help Meet Environmental and Social Justice

EHC is pleased to see the inclusion of the new and optional GPU element, HEJ.¹ This element touches upon a variety of EHC's concerns and promotes policies advocated by EHC. Importantly, the Citywide goal HEJ-1 is reflective of EHC's mission to achieve environmental and social justice.

Meaningful and effective participation, promotion of community capacity building, and fair treatment of all segments of the public in the process of creating a healthy environment and developing, adopting, implementing, and enforcing environmental laws, regulations, and policies.

7-3

(GPU, p. 3-231). The remainder of the HEJ goals are likewise laudable and EHC strongly supports the policies and implementation measures associated with these goals. (GPU, p. 3-213-247). Although the HEJ element is optional, it is evident from the GPU and its implementation measures the City feels strongly about the HEJ goals and policies.

¹ Gov. Code §65303.

All elements of a general plan, whether they are mandatory or optional, are regarded as equally important. In addition, the goals and policies within each element are consistent with each other and with the other elements of the plan.

(GPU, p. 1-4). Notwithstanding this sentiment, the HEJ element is in fact given inconsistent treatment in the GPU relative to the other plan elements. The HEJ element lists a set of goals and policies just as other National City GPU elements do. The inconsistency with other Elements shows through a unique section to the element title "Related Policies from Other Elements". For example, policy Safety-8.1 states it will "promote the clean-up and reuse of contaminated sites and prioritize remediation and redevelopment of Brownfield sites within and adjacent to residential and mixed-use areas". The policy lives in the Safety Element and is listed within the "Related Policies from Other Elements" in the HEJ Element instead being included in the HEJ Element. The section is intended to mention policies from other elements related to health and environmental justice. Policies are commonly repeated throughout the document, which creates consistency between elements. Nonetheless, only the HEJ Element has a "Related Policies from Other Elements" section. The State Guidance section on General Plan Basics explains that "all elements of the general plan have equal legal status," therefore, the HEJ Element should be treated equally.

7-4

None of the other elements (including the other optional Education and Community Participation element) contain the "Related Policies from other Elements" section. Though it is unclear why the HEJ element is treated differently, the irregularity can be easily remedied. Rather than listing the related policies from other elements in the HEJ section, the GPU should simply incorporate the related policies into the HEJ element. Redundancy among elements is common, and simply reinforces said policies. The same should apply to the HEJ element.

II. CEQA Review of the General Plan Update

As noted above, though the HEJ element is a step in the right direction, EHC encourages the City to strengthen and clarify some of the HEJ policies (and related policies) and goals. Indeed, in light of deficiencies in the CEQA review of the GPU, such policy changes are necessary to mitigate for the Project's significant environmental impacts. Detailed below are specific impacts inappropriately analyzed and/or mitigated, along with EHC recommendations to address said impacts.

7-5

A. CEQA Principles Applicable to the Project

As a preliminary matter, it is important to note the policy considerations behind the CEQA process. CEQA "is to be interpreted 'to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.' [Citation.]"² A basic premise of CEQA is **informed** decision-making and public participation.³ "An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental

7-6

² *Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 112; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 563-564; see *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 274 ("[i]t is, of course, too late to argue for a grudging, miserly reading of CEQA").

³ *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.App.3d 553; *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.App. 3d 376; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68.

consequences."⁴ "Besides informing the agency decision makers themselves, the EIR is intended 'to demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of its action.'"⁵

Thus, as an informative document, the EIR is meant to disclose the possible implications of the change that results from the Project. Identification of the significant environmental effects of the Project is one of the primary purposes of the DEIR. (Pub. Res. Code §§21002, 21002.1(a)). An EIR must focus on the significant environmental impacts of a proposed project. (Pub. Res. Code §21100(b)(1); CEQA Guideline §§15126(a), 15126.2(a), 15143). In assessing the impact of the Project, the City should examine the change to the existing environment (ie. the baseline) caused by the Project. (CEQA Guideline §15126.2(a); *San Joaquin Raptor Rescue Ctr v. County of Merced* (2007) 149 Cal.App. 4th 645). In particular, the EIR must analyze the significant environmental effects the Project would cause by bringing development and people into the area. (*Id.*).

7-6
cont.

With respect to a general plan update specifically, "[t]he EIR must evaluate the environmental impact of a new general plan on the 'actual environment' rather than comparing it to the impact of the preexisting general plan." *Watsonville Pilots Assn. v. City of Watsonville*, (2010) 183 Cal. App. 4th 1059, 1080 (citing *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 354).

B. Specific Environmental Impact Areas

In assessing both air quality and hazards/hazardous materials impacts the DEIR failed to take into consideration the already impacted environment. (See *Kings County Farm Bureau v. City of Hanford*, (1990) 221 Cal. App. 3d 692, 718 ("The relevant question to be addressed in the EIR is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin."); see also *Communities for a Better Environment v. California Resources Agency*, (2002) 103 Cal. App. 4th 98, 121).

Thus, for purposes of analyzing Project impacts, it is important to acknowledge the preexisting conditions. The San Diego Air Basin is already in non-attainment for 1-hour and 8-hour state ozone standards and PM₁₀ and PM_{2.5},¹ thus any incremental increase in these emissions would be significant. (DEIR, p. 4.3-23)

7-7

National City children suffer disproportionately from asthma symptoms compared to the rest of San Diego County. (General Plan ("GP"), p. 3-215). In addition, chronic obstructive pulmonary disease (COPD) is higher within the City. (*Id.*). These rates are likely higher than reported because the statistics are derived from hospitalization rates. Because many National City residents may not have health insurance, they lack access to health care services—resulting in underestimation of respiratory illness in the City.⁶ Therefore, any additional air quality impacts will only serve to exacerbate these problems. The DEIR fails to adequately address this reality.

1. Air Quality Impacts Associated Are Inadequately Analyzed in

7-8

⁴ CEQA Guidelines §§ 15151; 15126, 15358(a)(2).

⁵ *Save Tara v. City of West Hollywood*, (2008) 45 Cal. 4th 116, 136, quoting *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86.

⁶ National City has over one-and-a-half times the poverty level of the state, and a higher percentage of residents with income below fifty percent of the poverty level than the state average. (<http://www.city-data.com/poverty/poverty-National-City-California.html>)

the DEIR

Though the DEIR acknowledges the Project will result in a significant impact to regional air quality, the DEIR is deficient in characterizing the nature of the impact. The increases in vehicle trips and VMT would not only be higher than anticipated by current regional planning documents (ie. the RAQS/SIP and Clean Air Plan), they would also result in net increases in emissions over time—thus exacerbating or creating air quality impacts.

7-8
cont.

The DEIR relies on the Appendix G checklist for thresholds of significance. However, Appendix G is merely instructive. (*Eureka Citizens for Responsible Government v. City of Eureka*, (2007) 147 Cal. App. 4th 357, 377 (“Use of the forms is only ‘suggested,’ and the forms do not define the scope of the CEQA inquiry.”)). Questions of significance may require modification to ensure **all of a project’s potentially significant impacts are adequately addressed**. (Kostka & Zischke, *Practice Under the California Environmental Quality Act*, CEB 2011, §13.15 (emphasis added). Further, if evidence tends to show an environmental impact might be significant despite the significance standard in the EIR, an agency must address this evidence. (*Protect the Historic Amador Waterways v. Amador Water Agency*, (2004) 116 Cal. App. 4th 1099, 1111).

7-9

While relying on the Appendix G thresholds, the DEIR uses an inappropriate baseline in analyzing air quality impacts by using the adopted General Plan build-out to assess vehicle miles traveled (VMT) and vehicle trips (and resultant emissions) compared to GPU build-out and VMT.⁷ (DEIR, p. 4.3-34). The DEIR cites a 7.8 percent increase in vehicle trips at 601,492 per day with the “currently adopted General Plan” to 648,452 per day with the proposed update. (*Id.*) However, the significance determination is based on the change in **rate** of VMT per person. (*Id.*) As a result, air quality impacts are not only insufficiently analyzed, but artificially made to appear less significant. For example, the DEIR relies on the VMT *per capita* increase from 27.53 to 27.72 per person. But the total resultant air emissions associated with the net increase in VMT will be much greater than the increase in VMT per person because the GPU will result in a higher density.

7-10

Rather, the total net increase in vehicle trips or VMT over baseline (ie. existing conditions) is the appropriate figure from which to extrapolate emissions. One statistic is given for existing conditions: a 32 percent increase in vehicle miles traveled. (*Id.*) At a minimum, the DEIR should provide the emissions which will result from a 32 percent increase in VMT.⁸

7-11

“PM₁₀ and PM_{2.5} are both a regional and localized air pollutant. The primary sources of these pollutants are local traffic (exhaust and re-suspended road dust)...”. (DEIR, p. 4.3-23). In addition, approximately 96 percent of diesel particulate matter (DPM) is from mobile sources and it “by far makes up the greatest inhalation health risk in the San Diego area.” (DEIR, p. 4.3-27). Therefore, increased vehicle trips and VMT would surely increase DPM and other particulate matter—thereby causing significant air quality impacts to those susceptible to DPM

7-12

⁷ The DEIR makes reference to a memorandum from Chris Gray of Fehr & Peers to Brooke Peterson, dated October 28, 2010. This memorandum does not seem to have been provided with the DEIR or appendices. Appendix H (*Las Palmas Park Expansion Traffic Impact Study*) and the Transportation and Circulation Element do consider existing conditions, as well as traffic from 2030 build-out under the current General Plan compared to 2030 build-out under the General Plan Update. Thus, there should be vehicle trip statistics available for existing baseline conditions.

⁸ In addition, in GPU Table 5-1 (Indicators) the VMT per capita is measured by average daily traffic volumes, but the existing conditions measurement is “TBD”. This figure should be provided for inclusion in the DEIR.

and other particulate matter inhalation.⁹ The DEIR must quantify these impacts in order to provide the sufficient degree of analysis to inform the public and decision-makers. (CEQA Guideline §15151).

**7-12
cont.**

2. The DEIR Air Quality Analysis Deficiencies Implicate the Mitigation Measures Discussion

Because the DEIR mischaracterizes the resultant air quality impacts as simple non-attainment of regional planning objectives, the City fails to offer any mitigation measures, finding there are none available. This practice follows from Impact AQ-1 to AQ-3, AQ-4, and AQ-5. However, CEQA requires that an EIR propose mitigation measures to reduce or avoid significant impacts. (PRC §21100(b)(3)).

7-13

If air quality impacts associated with the Project's increase in VMT and vehicle trips were properly quantified and thereafter described in the DEIR, appropriate mitigation measures could be identified. Contrary to the position taken in the DEIR, measures are available to mitigate these *local and regional impacts* by reducing the source of such emissions (ie. decreasing total vehicle trips and VMT) and by reducing the proximity of sensitive land uses to sources of emissions (ie. freeways and major corridors).¹⁰ Further, because PM₁₀ and PM_{2.5} are localized pollutants, citywide avoidance and mitigation measures could reduce their impacts on residents. (DEIR, p. 4.3-25)

Other mitigation measures may be found in the GPU itself. For example, the GPU Policy HEJ-2.3 to "[a]void siting new sensitive land uses within 500 feet of a freeway unless such development contributes to smart growth...and/or other effective measures to minimize potential impacts from air pollution" could be strengthened to mitigate or avoid air quality impacts that will result from increased vehicle trips. (GP, p. 3-234). EHC further proposes the following:

- Prohibit the siting of sensitive land uses within 500 feet from the centerline of a freeway.¹¹
- Strengthen HEJ Policy 2.1 by removing the "where feasible" qualification to avoiding land use conflicts by ensuring residential, public assembly, and sensitive land uses are buffered from industrial land uses. Further require a 1000-foot buffer between the aforementioned uses and industrial facilities.
 - Repeat the HEJ Policy 2.1 in LU Policy 3.6 including the 1000-foot buffer requirement therein.
- Strengthen Policies C-1.1, C-4.1 to C-4.7 by incorporating stronger language and/or mandates.
- Strengthen the National City Climate Action Plan:
 - Policy A2.b.1. by supporting transit options first, including a functional light rail transit system in the San Diego County urban core.
 - Policy A2.b.2. by implement a bike master plan for a bicycle corridor.
 - Policy B3.a.1. by adopting a 100 percent Clean Vehicle Replacement Policy for

7-14

⁹ DPM is merely illustrative of the potential TAC air quality impacts associated with the increased VMT and vehicle trips. Other compounds, including other TACs, are primarily associated with mobile sources. (DEIR, p. 4.3-26-27).

¹⁰ Gov. Code §65302.4 (The land use element may "provide specific measures for regulating relationships between buildings, and between buildings and outdoor public areas, including streets.").

¹¹ CARB Air Quality and Land Use Handbook, 2005: Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.

the City fleet and contracted fleet services. (see also Policy CS-1.4)

7-14
cont.

3. The DEIR Fails to Adequately Analyze Hazards/Hazardous Materials Impacts

As with the preexisting conditions affecting air quality analysis above, the City faces similar issues with regard to industrial facilities and other facilities which store, transfer, emit, or use hazardous materials. The City has a disproportionate number of hazardous material facilities:

7-15

According to data compiled by the Environmental Health Coalition (EHC), National City has a greater number of hazardous materials facilities per square mile than the incorporated areas of San Diego County, particularly within the Westside (Old Town) neighborhood where some of these facilities are within close proximity to residential uses. Through implementation of National City's Westside Specific Plan, the city is in the process of addressing this mix of land uses that are part of the Westside neighborhood.

(GPU, p. 3-115). Moreover, not all industrial facilities which emit TACs have been properly identified. For example, an EHC walk-through of the Westside in September 2009 found 25 unlisted facilities, compared to the nine listed facilities. Because the Air Toxics Hot Spots Information and Assessment Act requires emitters to self-report, the CARB inventory is frequently incomplete absent some independent verification.¹² The identification of facilities which contain, emit, or are associated with hazardous substances is likely underestimated in the GPU and DEIR. Thus, the addition of new industrial facilities will compound existing impacts and increase chances of exposure of sensitive receptors to hazardous materials.

7-16

The DEIR not only fails to address the disproportionately high number of hazardous material facilities, but further underestimates the significant impacts associated with the use, transport and disposal of hazardous facilities. by assuming any "risk of death, injury, and/or property loss is lessened through federal, State, and local regulations and policies." (DEIR, p. 4.7-22-24). Again, Appendix G is merely instructive and not the only measure of significant impacts. Further, the DEIR's finding of no significant impact is based on its artificial constraint of impacts which result in "death, injury or property loss". Significant impacts also result from exposure to hazardous materials and/or emissions, especially by sensitive receptors. (See Appendix G, VI.c. regarding exposure to sensitive receptors at schools).

7-17

The State of California General Plan Guidelines (2003) further explains, "[o]verconcentration occurs when two or more industrial facilities or uses, which do not individually exceed acceptable regulatory standards for public health and safety, pose a significant hazard to adjacent residential and school uses due to their cumulative effects." (State of California General Plan Guidelines (2003), p. 26). Thus, where industrial facilities are (1) undetected or unaccounted for in planning documents or the DEIR, or (2) appropriately identified but do not meet emission or use thresholds for regulation, the cumulative impact or overconcentration results in a significant impact. The DEIR's assumption that existing regulations and policies will adequately address these impacts to a level of insignificance is therefore inappropriate, especially where accurate identification and regulation of hazardous facilities does not occur.

7-18

As with the DEIR air quality impacts, mitigation measures are available yet unidentified in the DEIR as a result of inadequate impact analysis. The mitigation measures identified in the air quality analysis above may also be tailored to address hazardous material impacts. For

7-19

¹² Health and Safety Code § 44300 et seq.; DEIR, p. 3.2-10.

example, strengthening HEJ Policy 2.1 by removing the “where feasible” qualification to avoiding land use conflicts and requiring a 1000-foot buffer between the sensitive land uses and industrial facilities would mitigate both air quality and hazardous materials impacts. In addition, GPU Policies S-7.1 and S-7.2 may be changed to “require” as opposed to merely “promote” use of BACT and may be extended to apply to all industrial facilities, not just City operations. (DEIR, p. 4.7-23). Additionally, periodic review and reevaluation of BACT every few years would mitigate potential impacts.

7-19
cont.

4. The Hazardous Material Section Fails to Analyze the Significant Impact from Lead-Based Paint

As a preliminary matter, EHC strongly supports HEJ Goal 7 to eliminate the health risks associated with lead-based paint, mold, and other contaminants. (GPU, p. 3-246). Policies HEJ 7.1 to 7.4 are an important first step in achieving this goal, along with implementation measure PT-25. (*Id.*; GPU, p. 4-24). However, in order to strengthen the policies and achieve the goal, EHC suggests a new implementation measure, or an addition to the existing measure, which **requires** remediation of homes by landlords or owners where lead-based paint is identified after inspection. Further, such remediation should be required to take place within a specific amount of time for those homes in which children are frequently present (EHC suggests a 60-day deadline for remediation). (GPU, p. 4-24).

The City of San Diego has adopted a lead paint ordinance¹³ which requires inspection every time a unit becomes vacant, and requires remediation upon identification of lead-based paint.¹⁴ EHC encourages the City to adopt a similar ordinance, in addition to the City’s Housing Rehabilitation Program.¹⁵ Importantly, the DEIR fails to mention the City’s Housing Rehabilitation Program, or the threat of lead-based paint exposure during redevelopment.¹⁶ Because the City is almost fully developed, most growth within the City will result from redevelopment. (GPU, p. 3-1). Further, because “approximately 85 percent of the residential dwelling units in the City were constructed prior to 1980”, it is very likely most of these units contain lead-based paint, which was widely used in homes prior to 1978. (GPU, p. 3-228). As the GPU explains, “exposure to lead often occurs when paint is again, peeling, or being removed.” (*Id.*).

7-20

Therefore, as the majority of residential dwelling units are remodeled, remediated, or redeveloped under the GPU, exposure to lead-based paint will certainly occur, resulting in a significant environmental impact. (See Appendix G, III.d. “Expose sensitive receptors to substantial pollutant concentrations”). By attracting more people to the area, the Project will also result in increased exposure to hazardous lead-based paint. (See CEQA Guideline §15126.2(a) (The Project “would have the effect of attracting people to the location and exposing them to the hazards found there”). This especially true for residents doing any repainting or remodeling with small children present, as found in a recent New York study:

¹³ San Diego Municipal Code (SDMC) §§54.1001-54.1015. (Attached)

¹⁴ Owners have a duty to correct lead hazards in a dwelling unit anytime they are found to be present, not just at unit turnover. (SDMC §54.1007) (Instruction Sheet attached herewith)

¹⁵ <http://www.ci.national-city.ca.us/index.aspx?page=540>

¹⁶ However, the DEIR does acknowledge the significant impact that may result from the redevelopment of sites with existing groundwater or soils contamination through release of such materials into the environment. (DEIR, p. 4.7-47). Similarly, redevelopment of homes with lead-based paint will result in a significant impact through “release of such materials into the environment.” (*Id.*)

RRP [Renovation, Repair, and Painting] activities were identified as the probable source of lead exposure in 139 (14%) of the 972 children. Resident owners or tenants performed 66% of the RRP work, which often included sanding and scraping (42%), removal of painted materials or structures (29%), and other activities (29%) that can release particles of lead-based paint. RRP activities continued to be an important source of lead exposure during 2006--2007. Children living in housing built before 1978 (when lead-based paint was banned from residential use) that are undergoing RRP activities should be considered at high risk for elevated BLLs [blood lead levels], and appropriate precautions should be taken to prevent exposure.¹⁷

7-20
cont.

Therefore, to address the Project's significant environmental impacts that will result from the exposure to lead-based paint, EHC suggests the mitigation measure described above—a policy and implementation measure requiring inspection and remediation with a deadline for residences where children frequent.¹⁸

III. Conclusion

Unless the City adequately addresses the significant environmental impacts described that will result from the GPU as detailed above, the DEIR will remain deficient, and will fail to meet CEQA mandates. Therefore, we urge the City to carefully consider EHC's comments, and to incorporate EHC's suggestions into the DEIR and GPU.

7-21

If you have any questions, please contact Coast Law Group LLP at your earliest convenience.

Sincerely,

COAST LAW GROUP LLP


Marco A. Gonzalez



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¹⁷ CDC. Children with Elevated Blood Lead Levels Related to Home Renovation, Repair, and Painting Activities --- New York State, 2006--2007. *MMWR*. January 30, 2009; 58(03):55-58. (Attached) (available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5803a3.htm>)

¹⁸ See CDC, *Building Blocks for Primary Prevention, Protecting Children from Lead-Based Paint Hazards*, available at: http://www.cdc.gov/nceh/lead/publications/Building_Blocks_for_Primary_Prevention.pdf

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CITY OF NATIONAL CITY
COMPREHENSIVE LAND USE UPDATE
FINAL EIR
COMMENTS AND RESPONSES

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Letter 7: Marco Gonzalez and Livia Borak, Attorneys for Environmental Health Coalition, March 10, 2011.

7-1: This comment acknowledges that the Environmental Health Coalition (EHC) has reviewed and commented on the DEIR. EHC recognizes the City's efforts to bring environmental justice and community benefits to the residents.

7-2: This comment specifies that EHC's comments pertain to both the General Plan Update and DEIR, focusing on impacts to air quality and hazards/hazardous materials. The comment also states that the DEIR does not adequately analyze impacts to air quality or hazards/hazardous materials and associated mitigation measures and suggestions revisions to the DEIR.

Please note that CEQA only requires the City to draft response to comments on significant environmental issues, not planning issues. (CEQA Guidelines Section 15088(c) and 15204(a).) Detailed responses to the commenter's specific comments regarding air quality and hazards/hazardous materials impacts and mitigation measures are provided in Comments 7-6 through 7-20 below.

7-3: This comment focuses on the Health and Environmental Justice Element of the General Plan and is not related to the DEIR. No additional response is required. (CEQA Guidelines Section 15088(c) and 15204(a).)

7-4: This comment focuses on the Health and Environmental Justice Element of the proposed General Plan (pages 3-213 through 3-248) and is not related to the DEIR. No additional response is required. However, the City would note that Government Code 65301(a) provides that "[t]he general plan may be adopted in any format deemed appropriate or convenient by the legislative body, including the combining of elements." This gives the City discretion to determine the appropriate format for the General Plan. This is because the content requirements under Government Code 65302 can have duplicative information. This is why numerous Elements in the General Plan provide cross references to other Elements with related policies and informa-

tion (see proposed General Plan pages 3-24, 3-26, 3-27, 3-28, etc.). However, the City went one step further in the Health and Environmental Justice Element. Because of the number of policies related to Health and Environmental Justice, the actual text of the related policies was provided in the Health and Environmental Justice Element, rather than simply providing cross references, as was provided in other sections of the General Plan. The comment suggests that the “GPU should simply incorporate the related policies into the HEJ element.” The policies are already included in the Health and Environmental Justice Element, starting on page 3-232. It is therefore unclear what additional revisions are sought by the commenter.

Furthermore, as discussed on DEIR page 3-13, when projects are reviewed for consistency with the General Plan, they are reviewed for consistency with the entire General Plan, not individual Elements. Nevertheless, the commenter’s suggestions will be forwarded to the decision makers for their consideration.

7-5: This comment references the policies contained within the Health and Environmental Justice Element of the proposed General Plan. This comment states that the policy changes suggested for the General Plan are necessary to mitigate significant environmental impacts, as detailed in subsequent comments. Detailed responses to the commenter’s specific comments regarding the DEIR impact analysis and mitigation measures are provided in Comments 7-6 through 7-20 below. No additional response is required.

7-6: This comment explains that an EIR must evaluate the environmental impacts of a project based on the change to the existing environment. For a General Plan this means comparing it to the ‘actual environment,’ rather than the currently adopted General Plan. This comment has been noted.

The impact analysis of the DEIR compared the proposed Comprehensive Land Use Update project to the existing physical environment. This basic methodology was described on page 4-2 of the DEIR. Please also note that “[a]n EIR on a project such as the *adoption or amendment of a comprehensive zoning ordinance or a local general plan* should focus on the secondary effects

that can be expected to follow from the adoption, or amendment, *but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.*” Furthermore, CEQA Guidelines Section 15204(a) provides that “reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors.”

7-7: This comment states that the DEIR fails to adequately address the preexisting air quality conditions since the San Diego Air Basin is already in non-attainment for 1-hour and 8-hour State ozone standards and PM₁₀ and PM_{2.5}, and any incremental increase in these emissions would be significant.

The DEIR describes existing conditions, starting on page 4.3-15. This discussion includes federal and State air quality attainment status, on page 4.3-25 of the DEIR. Contrary to the assertion in the comment, existing conditions are not impacts of the project. (See *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal. App. 4th 1059 [“The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope”]; see also *Cherry Valley Pass Acres and Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 118 Cal.Rptr.3d 182, 201 through 207.)

Furthermore, contrary to the comment, the DEIR concludes that there would be a *significant and unavoidable* impact associated with buildout of the regulatory changes under the threshold “Conflict with or obstruct implementation of the applicable air quality management plan.” (DEIR page 4.3-43, 4.3-55.) Furthermore the DEIR also concludes there would be a *significant and unavoidable* impact associated with construction and operation of the Regulatory Changes under the threshold “Violate any air quality standard or contribute substantially to an existing or projected air quality violation” (see DEIR pages 4.3-45, 4.3-47, 4.3-53, and 4.3-55).

7-8: This comment states that although the DEIR finds a significant impact to regional air quality, it does not adequately describe the impacts associated with an increase in vehicle miles traveled (VMT). The comment also states that the “the increases in vehicle trips and VMT would not only be higher than anticipated by current regional planning documents (i.e. the RAQS/SIP and Clean Air Plan)...”

The DEIR analysis relied upon an updated traffic modeling program (Southbay III) that was calibrated and validated, as discussed on DEIR pages 4.13-39 through 4.13-43. These results were then used as inputs into the Air Quality modeling which was based upon CARB’s EMFAC2007 model and URBEMIS2007 (see DEIR page 4.3-46 and 4.13-31). The DEIR finds *significant and unavoidable* impacts to air quality associated with an increase in VMT, as stated in Section 4.3 Air Quality, page 4.3-43. The impact analysis further notes on page 4.3-43, that the increase in VMT would conflict with regional planning efforts to attain ambient air quality standards.

7-9: This comment questions the adequacy of the thresholds of significance used in the DEIR and suggests that an EIR must address all impacts that might be significant regardless of the significance standards used in the EIR, however, no evidence is provided that air quality impacts were inadequately addressed through use of the CEQA Guidelines Appendix G thresholds. Contrary to the assertion in the comment, the City reviewed the CEQA Guidelines Appendix G thresholds and tailored them to the project. For example compare the biological resource thresholds under Appendix G to the DEIR’s biology thresholds on page 4.4-70.

7-10: The comment suggests that by using the thresholds provided under CEQA Guidelines Appendix G, the first air quality threshold is inconsistent with other requirements under the CEQA Guidelines; i.e. to provide an analysis in comparison to existing conditions. The analysis referenced in the comment is on DEIR pages 4.3-32 through 4.3-43. CEQA Guidelines Section 15125(d) provides that “[t]he EIR shall discuss *any inconsistencies* between the proposed project and the applicable general plans, specific plans and regional

plans. Such regional plans include...*the applicable air quality attainment or maintenance plan* (or State Implementation Plan)..." (CEQA Guidelines Section 15125(d)) (see also CEQA Guidelines Section 15064(h)(3) which provides that "A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, ...air quality attainment or maintenance plan...).".

This consistency analysis is included under the first significance threshold starting on page 4.3-32. While legal consistency is not strictly a "physical impact on the environment"⁷, the EIR assumes any inconsistency would be a significant impact, and therefore provides a conservative analysis. Furthermore, the analysis does note that "vehicle miles traveled would increase by 32 percent *over existing conditions*..." (DEIR page 4.3-34.)

The comment goes on to state that the DEIR should provide the emissions which will result from a 32 percent increase in VMT." This requested information and impact analysis is provided under the second significance threshold's analysis starting on page 4.3-43 ("Violate any air quality standard or contribute substantially to an existing or projected air quality violation"). Table 4.3-8 provides total operational emissions in 2030 with buildout of the Comprehensive Land Use Update. This second impact analysis was made in comparison to existing conditions and was determined to be significant and unavoidable.

⁷ Consistency or inconsistency with a plan alone does not result in an environmental impact. As discussed in a leading CEQA treatise "[a]n inconsistency between a proposed project and an applicable plan is a legal determination, not a physical impact on the environment. See *Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170..." (Kostka & Zischke, Practice Under the California Environmental Quality Act, (2d ed Cal CEB, January 2011), p. 612, § 12.34.)

The comment also states that Table 5-1 (page 5-11) of the *General Plan* should be revised to reflect Existing Conditions. This change was made in the document.

7-11: This comment recommends using the net increase in VMT or vehicle trips over the baseline to determine the air quality impacts. Refer to Response 7-10 above.

7-12: The comment states that “...the primary sources of these pollutants [PM₁₀ and PM_{2.5}] are local traffic...therefore, increased vehicle trips and VMT would surely increase DPM and other particulate matter-thereby causing significant air quality impacts...” Contrary to the reasoning in the comment, an increase in VMT does not necessarily result in an increase in criteria pollutants. Air quality has improved for a number of criteria pollutants over the previous two decades despite increases in population and associated vehicle trips. As discussed on DEIR page 4.3-24 San Diego County has come into attainment for several criteria pollutants despite more stringent standards and population increases:

Additionally, San Diego County is currently designated as an attainment area for CO, NO₂, Pb, SO₂, and sulfates. The SDAB has not violated the annual NAAQS for NO₂ since 1978 and has not violated the one-hour CAAQS for NO₂ since 1988; and has never recorded violations of the SO₂ standard. Federal standards for Pb have not been exceeded since 1980, and State standards for Pb have not been exceeded since 1987. The SDAB was once a nonattainment area for CO, but has not violated the CO standard since 1990.

Furthermore, as discussed on DEIR page 4.3-30, CARB estimates that “risk from diesel particulate matter decreased by about 50 percent since 1990.” This reduction has occurred despite an increase in population within National City and other areas within the County (see National City population statistics on page 1-9 of the proposed General Plan). This reduction has occurred

in part because of other reduction programs. As discussed on page 4.3-14 of the DEIR:

“California has adopted a comprehensive diesel risk reduction program. The EPA has adopted low sulfur diesel fuel standards that will reduce diesel particulate matter substantially, which went into effect in June 2006. CARB recently adopted regulations that require fleet owners of off-road construction equipment or on-road heavy-duty diesel vehicles to retrofit or replace their fleets to reduce the overall DPM emissions.”

Similar fuel efficiency increases are discussed on page 4.3-47 of the DEIR. Nevertheless, the DEIR concludes that there would be significant and unavoidable impacts associated with particulate matter under the first and second significance thresholds in the air quality chapter (see Response to Comment 7-7 for discussion of significance conclusions).

This comment calls for the quantification of the air quality impacts associated with PM₁₀, PM_{2.5} and diesel particulate matter (DPM) resulting from increased vehicle trips and VMT. CEQA does not require quantification of every impact, contrary to the suggestion in the comment. As discussed under CEQA Guidelines Section 15064.7 “[a] threshold of significance is an identifiable quantitative, *qualitative* or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency...” Nevertheless, as discussed in Section 4.3.b.i.c and shown in Table 4.3-8 on page 4.3-48 of the DEIR, both PM₁₀ and PM_{2.5} emissions are projected for the Year 2030 buildout scenario. The projections are based on trip length assumptions, shown in Appendix B of the DEIR. Therefore, projected increases in PM₁₀ and PM_{2.5} are appropriately developed using standard analytical practices.

7-13: This comment suggests the quantification of impacts associated with the Project’s increase in VMT and vehicle trips is necessary and would make feasible mitigation measures available for Impacts AQ-1, AQ-3, AQ-4 and AQ-5. Refer to Response 7-12 above. As noted above, the DEIR concludes

that impacts would be significant and unavoidable. The severity of the impact did not control the feasibility of the mitigation measures in this EIR.

The comment suggests as mitigation (1) “decreasing total vehicle trips and VMT”, and (2) by “reducing the proximity of sensitive land uses to sources of emissions (i.e. freeways and major corridors).”

As discussed under Response to Comment 5-6, the proposed General Plan Circulation Element, and DEIR Section 4.13, a number of policies have been proposed to help reduce VMT. However, the comment does not provide any additional suggestions for how such a requirement could be implemented. The City does not have direct control over VMT. While the City has proposed a number of policies to reduce trip generation and VMT, trip generation is ultimately controlled by the will of individual drivers.

As to the second suggested measure, the proposed General Plan already contains several policies which address the suggestion. Therefore additional related policies would not reduce or avoid impacts.

Policy HEJ-2.3: Avoid siting new sensitive land uses within 500 feet from the centerline of a freeway, unless such development contributes to smart growth, open space, or transit-oriented goals, in which case the development shall include feasible measures such as separation/setbacks, landscaping, barriers, ventilation systems, air filters/cleaners, and/or other effective measures to minimize potential impacts from air pollution.

Policy LU-3.6: Prohibit the establishment of new residential and other sensitive land uses near industrial land uses and within the Harbor District (unless proposed as part of a mixed-use development adjacent to the 8th Street Trolley stop) and buffer existing residential uses and other sensitive land uses from industrial uses, while protecting and enhancing visitor serving, commercial, retail, industrial, working-waterfront, and maritime related job-producing industries.

Policy HEJ-2.1: Avoid land use conflicts by ensuring residential, public assembly, and other sensitive land uses are adequately buffered from industrial land uses that may pose a threat to human health, where feasible.

The comment further states “because PM₁₀ and PM_{2.5} are localized pollutants, citywide avoidance and mitigation measures could reduce their impacts on residents.” The DEIR analyzed several alternatives that had reduced development in comparison to the proposed project (see DEIR Table 5-1). However as discussed in the Alternatives Chapter, the City considered a substantially reduced density (referenced in the comment as “citywide avoidance”) alternative, but determined that while some localized impacts, such as local air quality and traffic, would be reduced, this would increase regional impacts by an amount greater than the equivalent reduction:

“While reduced density within National City as a whole would generally reduce localized impacts within National City, it would result in increased regional effects associated with urban sprawl. In general, the impacts of urban sprawl development patterns tend to be more severe than the impacts of concentrated growth in the urban core. Growth at the urban fringe typically results in longer commute times and inefficient expansion of infrastructure resulting in increases in agricultural land conversion, habitat loss, traffic, air pollution, demand on utility systems, and GHG emissions as well as greater depletion of natural resources. SANDAG has developed a Smart Growth Concept Map as part of its Regional Comprehensive Plan with Existing/Planned and Potential smart growth opportunity areas. Within this area portion of National City has been designated a “Town Center” and a “Mixed Use Transit Corridor.” These are intended to better connect land use and transportation and were used in the 2030 Regional Transportation Plan to guide the planning and development of the region’s future transit networks, providing higher priority for peak period transit services that link smart growth areas to one another and to other major activity centers, and achieve the region’s GHG emission reduction targets.

Therefore, while reduced density within National City would reduce environmental impacts in some resource areas within the Planning Area compared to the land use plan in the proposed Community Land Use Update, it would not reduce environmental effects from a regional perspective. Consequently, a reduced density alternative would likely result in urban sprawl, and thus, greater regional impacts” (DEIR pages 5-34 and 5-35).

7-14: The comment suggests mitigation measures “found in the GPU itself.” These policies are already part of the proposed project. An EIR is required to address the impacts of the project as proposed, not the impacts of some hypothetical project (i.e. without the proposed policies). (*Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1030.)

The comment suggests the following revisions:

1. Prohibiting the siting of sensitive land uses within 500 feet from the centerline of a freeway and strengthen HEJ Policy 2.1 by removing the “where feasible” qualification.

While Policy HEJ-2.3 contains some exceptions for smart growth and other related developments, such exceptions are necessary to provide sufficient flexibility⁸ and to balance other competing planning and environmental considerations. While air quality is an important consideration, the City has to balance other factors and risks, such as fire risks, flood risks, geologic hazards, hazardous materials, biological impacts, aesthetic impacts, agricultural resources, hydrology and water quality, land use, noise, population and housing, public services and recreation, utilities, GHG emissions, cultural resource impacts, as well as local impacts versus regional impacts. These factors will be considered at the time specific

⁸ As discussed under OPR’s 2003 General Plan Guidelines, “given the long-term nature of a general plan, its diagrams and text should be general enough to allow a degree of flexibility in decision-making as times change.” (Office of Planning and Research 2003 General Plan Guidelines, page 14.)

projects are proposed. Eliminating these exceptions is considered infeasible because it would provide insufficient flexibility and would be inconsistent with the project objectives (one of the project objectives is providing a “flexible framework...”).

Furthermore such a revision would place air quality above consideration of other resource areas and could result in increased impacts to other resources areas and would therefore not be environmentally superior (i.e. forcing development away from transportation corridors increasing GHG emissions, or forcing development into flood zones or fire zones...).” Furthermore, even CEQA recognizes that there will be times in which mitigation measures are infeasible. As discussed under CEQA Guidelines Section 15126.4 “An EIR shall describe *feasible* measures which could minimize significant adverse impacts.”” Elimination of “where feasible” would place restrictions on project specific development even more stringent than those required by CEQA itself. Furthermore, such a restriction without “where feasible” could potentially result in a taking of private property.

Lastly, the commenter’s suggested policy revision would result in a high number of non-conforming uses and could lead to an increase in urban decay and blight in those areas. Such conditions could preclude reinvestment in these areas which could prevent installation and maintenance of ventilation systems, air filters/cleaners and other effective measures to minimize existing air quality problems and other existing environmental conditions (i.e. earthquake retrofits, etc...).

2. Require a 1000-foot buffer between uses and industrial facilities.

See previous response “1”. Unlike the freeway buffer, there are a number of different types of Industrial facilities that have different air pollutant characteristics. Even the California Air Resources Board’s Advisory Guidelines on Land Use recommend different buffers for different industrial facilities (i.e. distribution centers, rail yards, ports, refineries, chrome platers...) To require a 1000 foot buffer would provide the City insufficient flexibility to tailor such buffers to specific proposed facilities and the specific conditions on site. Site specific buffer distances will be con-

sidered at the time specific projects are proposed and parcel specific/project specific information can be assessed.

3. Repeat HEJ Policy 2.1 in LU Policy 3.6.

As discussed under Response to Comment 7-4, these policies are already included in the proposed General Plan. Projects are reviewed for consistency with the *whole* General Plan, not individual elements. It is therefore unnecessary to repeat every policy in the Health and Environmental Justice Element or the Land Use Element. Furthermore, repeating policies throughout the General Plan could result in future complications when the General Plan is being amended. For example, a policy could be amended in one section, but similar revisions could be missed in another section. While this is not related to an environmental issue, such revisions will be forwarded to the decision makers for their consideration.

4. Strengthening Policies C-1.1, C-4.1 to C-4.7 by incorporating stronger language and/or mandates.

A. Policy C-1.1

See response to “1” above. Additionally, it is infeasible to “mandate” transit oriented development, mixed-use and infill projects (Policy C-1.1). The City does not own many of the parcels throughout the City. The decision to build projects, such as mixed use developments, is largely at the will of the individual property owner. Similarly, as discussed on General Plan page 1-16, implementation of the General Plan can take time and is dependent upon limited resources and policy considerations which prioritize programs. Mandating such development would also remove the needed flexibility to prioritize programs and is therefore considered infeasible. However, it is important to note that General Plan policies should not be reviewed in a vacuum. Projects are analyzed for consistency with the General Plan as a whole. As noted in Response to Comment 5-6, the General Plan already contains policies which require development of multi-modal transportation facilities with certain types of new development projects. Further, the commenter is requesting mandates that are more restrictive than the California Air Resources Board

(CARB) guidelines. Current draft General Plan policies are consistent with suggested CARB guidelines.

B. Policy C-4.1

See response to “1” above. Furthermore, the City does not have legal authority to mandate specific work hours.

C. Policy C-4.2

See response to “1” above. Furthermore, the City does not have legal authority to mandate commuter programs. However, please see Response to Comment 5-6 for discussion of alternative modes of transit, including General Plan Implementation measure PT-10 (Commuter Benefits Program).

D. Policy C-4.3

The policy already “[r]equires new uses to provide adequate bicycle parking and support facilities.” It is unclear how the commenter believes this policy should be further revised.

E. Policy C-4.4

See response 4(B) on Policy C-4.2 above.

F. Policy C-4.5

See response 4(B) on Policy C-4.2 above.

G. Policy C-4.6

The Policy currently states “prioritize attention to transportation issues around schools to reduce school-related vehicle trips. It is unclear how the commenter would revise this policy. It is also important to note that these General Plan policies do not exist in a vacuum. All of the goals and policies have been proposed as part of a comprehensive system. As noted in both the General Plan and the DEIR, the City is already in the process of implementing the safe routes to school program (see General Plan page 3-60, 4-16; DEIR page 4.13-30). Furthermore, many of the street closures

and park renovations are designed to “provides a community center that is integrated into the adjacent neighborhoods and schools...” (see DEIR pages 3-11, 3-71, 3-74, and 3-77).

H. Policy C-4.7

See response to “1” above.

I. Strengthen National City Climate Action Plan by:

A. Policy A2.b.1. by supporting transit options first, including a functional light rail transit system in the San Diego County urban core.

See also Response to “1” above. Further, the City does not have jurisdiction over the light rail transit system and future system improvements and investments. Further to support “transit options first” as the commenter suggests would preclude certain other activities that may be immediately necessary (maintenance, repair, emergencies, planned improvements) therefore, the City can not exclusively prioritize transit-first. Furthermore, such a policy would preclude roadway improvements that are designed to foster alternative modes of transit such as the proposed street closures and community corridors in the General Plan. Furthermore, such a policy would preclude construction of relatively minor changes to roadways that have low costs and large benefits. Such a policy lacks sufficient flexibility and could result in the creation of additional impacts by precluding consideration of the circulation system as a whole.⁹

⁹ As discussed in CEQA Guidelines Appendix G, Section XVI, projects are to consider impacts to “the performance of the circulation system, taking into account *all modes of transportation*, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.”

Furthermore, the land use plan identified in the draft General Plan is consistent with the Regional Transportation Plan (RTP). The City of National City is a member agency of SANDAG and wants to ensure that General Plan and Climate Action Plan policies are consistent with the RTP and as such, must allow for an integrated system rather than exclusively prioritizing one project or infrastructure investment over another.

B. Policy A2.b.2. by implementing a bike master plan for a bicycle corridor:

It is important to understand that while the City has taken a number of steps to implement the General Plan, including the Land Use Code and the Climate Action Plan. Implementation of the General Plan will take time and will occur over the lifetime of the plan, as discussed further on General Plan page 1-16 (see also Government Code Section 65400). It is not feasible to provide every implementation measure for the General Plan, or every potential municipal code revision at this time. However, in 2011, the City adopted a Bike Master Plan.

Furthermore, SANDAG has also recently adopted the San Diego Regional Bicycle Plan (May 2010) (see DEIR page 4.13-9).

C. Policy B3.a.1. by adopting a 100 percent Clean Vehicle Replacement Policy for the City fleet and contracted fleet services (see also Policy CS-1.4).

See also Response to “1” above.

Further, it is infeasible to require the city to adopt a 100 percent clean vehicle replacement policy. It is necessary for the City to maintain discretion regarding its vehicle replacement policy based on economic availability and best available vehicle technology (e.g. fire engines). The City can not commit at this time to a 100 percent replacement policy.

7-15: This comment states that there is a disproportionate number of hazardous materials facilities in National City. Comment noted. Existing conditions, while an important issue to the City, are not impacts of the proposed project under CEQA. (See *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal. App. 4th 1059 [“The FEIR was not required to resolve the [existing] overdraft problem, a feat that was far beyond its scope”]; see also *Cherry Valley Pass Acres and Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 118 Cal.Rptr.3d 182, 201 through 207).

7-16: The comment states that “not all industrial facilities which emit TACs have been properly identified. For example, an EHC walk-through of the Westside in September 2009 found 25 unlisted facilities, compares to the nine listed facilities.”

Contrary to the assertion in the comment that the DEIR only identified “nine facilities” within National City which emit TACs, the DEIR in fact identified 40 facilities:

“According to CARB, there are 40 facilities in National City with TAC emissions. These facilities and their annual TAC emissions are listed in Table 4.3-5. The total air toxics emissions from all of these facilities are 37 tons per year, or 3 percent of the total TACs in San Diego County. Of the 40 facilities, 33 of them are gas stations, auto body shops, automotive centers, or dry cleaners. Thirty-one of these facilities have less than 0.50 tons per year of toxic emissions. Three facilities have air toxics emissions between 0.5 and 1.0 tons per year, five facilities have emissions between 1 and 5 tons per year, and one facility has 16 tons per year of TAC emissions” (see DEIR page 4.3-27 and Table 4.3-5).

The comment goes on to state that “identification of facilities which contain, emit, or are associated with hazardous substances is likely underestimated in the GPU and DEIR. Thus, the addition of new industrial facilities will compound existing impacts and increase chances of exposure of sensitive receptors to hazardous materials.”

The DEIR included a thorough discussion of existing hazardous material facilities and impact analysis, including an Environmental Data Resources (EDR) Area Study, Regional Water Quality Control Board database search, and Department of Toxic Substances Control database search, to identify known sites with potential environmental hazards within the project area. Tables 4.7-1 and 4.7-2 on pages 4.7-11-4.7-16 of the Hazards and Hazardous Materials section of the DEIR and Appendix E, Hazardous Materials Sites in National City, list all known sites with potential environmental hazards. However, it is not always possible to identify all sites that contain hazardous materials, as soil testing can be necessary. On some sites, soil testing cannot be performed until above ground structures are removed.

The comment does not name any additional facilities which have not been discussed in the DEIR, therefore it is not possible to provide a more detailed response. However, it is important to note that not every facility must be identified in a programmatic analysis. CEQA Guidelines Section 15204(a) states that “CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors.” As discussed under CEQA Guidelines Section 15125(a), “The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.”

Furthermore, creation of new industrial facilities does not necessarily mean that impacts must be significant as suggested in the comment. As discussed on DEIR page 3-41 “The new dwelling units and retail/office and industrial facilities would replace existing buildings.” This provides opportunities to clean up existing sites, and replace older outdated facilities with newer facilities which conform to modern building codes, newer more stringent safety measures and regulations described in Section 4.7, as well as the proposed policies contained in the General Plan (see Policies S-8.1, S-8.2, and S-8.3). The commenter is referred to the Hazardous Materials impact analyses starting on DEIR page 4.7-22 for further details.

7-17: This comment suggests that the analysis underestimates the impacts associated with the use, transport, and disposal of hazardous facilities. In addition to General Plan policies to reduce risks, the use, transport, and disposal of hazardous *materials*, is heavily regulated by federal, State, and local regulations and policies as described in greater detail in the regulatory discussion in Section 4.7. National City’s General Plan does not stand alone from a regulatory or statutory perspective. Development within the City, must comply with other federal, State, and local regulatory and statutory requirements. These will shape the way development occurs within the City, in addition to the General Plan. (See also *City of Long Beach v. Los Angeles Unified School District* (2009) 176 Cal.App.4th 889, 913, 914 [discussing compliance with Safe School Plan requirements under Education Code Sections 32282 et seq. to help avoid hazardous material impacts]; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308 [“compliance [with environmental regulations] would indeed avoid significant environmental effects”]; see also CEQA Guidelines Sections 15002(h)(3), 15064(h)(3), and 15130(c).)

The commenter suggests that the DEIR does not address hazardous materials emissions and refers to “Appendix G, VI.c regarding exposure to sensitive receptors at schools.” Appendix G, threshold VI.c refers to unstable soils. However, the DEIR Hazardous Chapter notes “Hazardous air quality emissions are addressed in Section 4.3 Air Quality.”¹⁰ Section 4.3 notes that there would be significant and unavoidable impacts associated with air quality.

7-18: This comment notes the overconcentration of industrial facilities and suggests that impacts associated with industrial facilities were underestimated. As stated in Response to Comments 7-16 and 7-17, the DEIR analysis considered a thorough list of known sites. As noted under Response to Comment 7-7, while existing conditions are an important issue for the City, they are not impacts of the proposed project.

¹⁰ Discussed under the threshold “Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school.”

7-19: This comment notes that additional mitigation measures may be available. Refer to Response to Comments 7-13, 7-14, and 7-18 above. The commenter further suggests the following revisions:

1. GPU Policies S-7.1 and S-7.2 may be changed to “require” as opposed to merely “promote” use of BACT and may be extended to apply to all industrial facilities, not just City operations:

While the City will promote hazardous waste minimization, it will not always be possible to “require” this for both existing and new facilities. Feasibility would need to be evaluated on a project-by-project basis and the City would need to be able to demonstrate financial feasibility. This area is heavily regulated and in many instances the City is preempted by Federal law. Policies S-7.1 and S-7.2 have been changed to add “where feasible” so as to use BACT to the extent feasible.

2. Periodic review and reevaluation of BACT every few years would mitigate potential impacts:

The comment suggests that Best Available control technology discussed in Policy S-7.1 be reviewed “every few years.” It is important to note that the contents of a General Plan are governed by Government Code Sections 65300 et seq. The City has provided a number of implementation measures, including the proposed Land Use Code, however it is not possible to draft every potential ordinance and implementation measure that will be implemented over the lifetime of the project at this time. Government Code 65400 contemplates implementation of a General Plan as an ongoing process which includes an annual report on implementation (see also General Plan Implementation Measure ME-14). The level of detail recommended by the commenter will be considered in future ordinances (as noted under Implementation Measure PT-23), however it is not possible to adopt this level of detail for the full General Plan and complete the project within a “reasonable period of time” (see CEQA Guidelines Section 15364).

7-20: This comment focuses on the Health and Environmental Justice Element of the proposed General Plan and is not related to the DEIR. Further-

more, *existing* lead based paint is not an impact of the proposed project but is part of baseline conditions (see Response to Comment 7-7 for greater details). The comment further suggests the failure of the DEIR to mention the City's Housing Rehabilitation Program or threat of lead-based paint exposure during redevelopment. The Housing Rehabilitation Program is no longer in existence. Furthermore, exposure to and removal of lead-based paint is governed by federal regulatory requirements. As discussed on DEIR page 3-17, "the proposed project does not stand alone from a regulatory perspective. Development within the City must comply with other federal, State, and local regulations." Existing regulations provide for the safe removal of lead based paint (see 15 USC §2682; 40 CFR Part 745). Lead based paint removal is required for "[r]enovations in target housing¹¹ or child-occupied facilities..." (40 CFR Part 745.82). This includes the requirement that parties removing lead based paint be properly trained and certified to ensure that the work is performed safely (see 40 CFR Part 745.80).¹² See also California regulations related to lead based paint removal under 14 Cal. Code Regs. Section 1532.1. There are numerous additional lead based paint programs in California.¹³

While the suggestion is not necessary from a CEQA perspective, the suggestion regarding the lead based paint ordinance will be forwarded to the decision makers for their consideration.

¹¹ "The term "target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling. In the case of jurisdictions which banned the sale or use of lead-based paint prior to 1978, the Secretary of Housing and Urban Development, at the Secretary's discretion, may designate an earlier date." (15 USC § 2681(17).)

¹² These requirements are summarized by the EPA at: <http://www.epa.gov/compliance/resources/newsletters/civil/enfalert/leadpaint.pdf>

¹³ See 17 Cal. Code Regs. 33001 et seq., 17 Cal. Code Regs. 35001 et seq., 17 Cal. Code Regs. 37000 et seq., 17 Cal. Code Regs. 38001 et seq., 22 Cal. Code Regs. 69100 et seq.

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7-21: The comment refers to “inadequacies of the DEIR”. This represents the commentor’s conclusion based on the preceding comments. Please see the responses to the comments above. The DEIR sections addressing air quality and hazards/hazardous materials comply with CEQA by providing a thorough analysis of potential program- and project-level impacts for each significance threshold, and include feasible mitigation measures where appropriate.

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2727 HOOVER AVE., SUITE 202 - NATIONAL CITY, CA 91950 - (619) 474-0220 - WWW.ENVIRONMENTALHEALTH.ORG

March 10, 2011

Mr. Brad Raulston
City of National City
Community Development Department
1243 National City Blvd
National City, California 91950

RE: EHC Recommendations for the National City General Plan Update (GPU)

Dear Mr. Raulston:

Environmental Health Coalition (EHC) is a 30-year-old nonprofit environmental health and justice organization that works in the San Diego-Tijuana region. A majority of our work is focused on land use, air quality, and respiratory health in the low-income communities of color that surround San Diego Bay, including Old Town National City. On behalf of EHC, we applaud National City's leadership and efforts to reduce air pollution by its recent adoption of a strong Westside Specific Plan and most recently incorporating a Health and Environmental Justice Element (HEJ) as part of the General Plan Update. The HEJ element reflects the City's intention to improve National City's health for all its residents. There are additional recommendations, however, critical to generating a successful HEJ Element and General Plan Update (GPU). We request that these recommended amendments be adopted in the Final GPU.

8-1

HEALTH AND ENVIRONMENTAL JUSTICE ELEMENT Respiratory Health and Quality

EHC requests that the City strengthen its commitment to Environmental Justice by including specific policy commitments that guarantee air quality improvements. The Respiratory Health and Quality policies in the HEJ element do consider hazardous uses when building new residential uses, schools, and other sensitive uses. Nonetheless, the policy commitments are missing critical scientifically proven details that will ensure people are safe from environmental hazards and toxic threats.

8-2

California's Environmental Protection Agency (CAL EPA) and the Air Resources Board (CARB) state in the Siting of New Sensitive Land Uses section of the Air Quality Land Use Handbook to, "*avoid siting new sensitive land uses within 500 feet of a freeway as well as a 1,000 feet of a major service and maintenance rail yard, a*

distribution center, and a chrome plater.”¹ In addition, our neighboring city, Chula Vista, made a commitment to the air quality of its constituency by including a policy in the General Plan Update that “avoids siting new or re-powered energy generation facilities and other significant hazard air emitters within 1000 feet of a sensitive receiver, or the placement of a sensitive receiver within 1000 feet of a significant hazard emitter.”²

8-2
cont.

We would also like to draw your attention to the mounting number of studies that examine health and safety questions surrounding the location of highways near schools, hospitals, and other places where children, the elderly and vulnerable populations spend large amounts of time. These studies link air pollution near high-traffic areas to cancer, asthma, heart attacks, and low birth weight babies for people who live in nearby communities. Please find attached summaries and citation of 17 peer-reviewed, published studies making this link between traffic-related air pollution and increased health risks.

8-3

Since this General Plan Update offers the opportunity to plan better in the future than we have in the past, we urge the final GPU to amend the following policies and include the following policy changes.

Policies:

- **Current policy**

- Policy HEJ-2.1**

- Avoid land use conflicts by ensuring residential, public assembly, and sensitive land uses are buffered from industrial land uses, where feasible.

8-4

- **Recommended amendment**

- Prohibit new land use conflicts by ensuring residential, public assembly, and other sensitive land uses are 1000 ft away from industrial land uses.

- **Current Policy**

- Policy HEJ-2.3**

- Avoid siting new sensitive land uses within 500 feet from the centerline of a freeway, unless such development contributes to smart growth, open space, or transit-oriented goals, in which case the development shall include feasible measures such as separation/setbacks, landscaping, barriers, ventilation systems, air filters/cleaners, and/or other effective measures to minimize potential impacts from air pollution.

8-5

- **Recommended amendment**

- Prohibit siting new sensitive land uses within 500 feet from the centerline of a freeway. Please find attached map.

¹ <http://www.arb.ca.gov/ch/handbook.pdf>

² http://www.chulavistaca.gov/city_services/development_services/Planning_Building/PDF/Chapter_09-Environmental-Part_02-amend-01.pdf

○ **Current Policy**
Policy HEJ-2.2

Encourage existing stationary sources of emissions to use feasible measures to minimize emissions that could have potential impacts on air quality and incentivize non-conforming uses to relocate to appropriate industrial zones if currently impacting sensitive land uses.

● **Recommended amendment**

Require existing stationary sources of emissions to use best available control technology measures and reevaluate every three years to assess new options for emissions reductions, in order to minimize emissions that could have potential impacts on air quality and incentivize non-conforming uses to relocate to appropriate industrial zones.

8-6

Lead Based Paint and Other Contaminants in the Home

National City is the second oldest city in San Diego County, California. The majority of the city's population is made up of low- and very low-income residents and the majority of its housing is made up of rentals, older and deteriorated housing stock, much of which is owned and managed by absentee landlords. The National City Lead Hazard Control and Healthy Homes Grants were instrumental in protecting children who reside in the at-risk housing. EHC commends the City for establishing the "Lead Code Enforcement Program" which is evidence of their commitment to ongoing lead hazard control efforts in National City beyond the grants. EHC recommends the following policy to strengthen the City's "Lead Code Enforcement Program" and maximize the role of code enforcement in protecting children from lead hazards.

○ **Current Policy**
Policy HEJ-7.2

Develop a process by which to identify residences with lead based paint hazards, notify residents of the potential hazard, and request landlords/owners to make the housing unit lead-safe.

● **Recommended amendment**

Identify lead based paint hazard(s) during regular code enforcement inspections, notify landlords of the hazard(s), and require landlords/owners to make the housing unit lead-safe. If children or grandchildren live or frequently visit the housing unit with lead hazard(s), the amount of time given to a landlord/owner to repair should be no more than 60 days.

8-7

Health and Environmental Justice Element Structure

National City is setting a standard in the state of California by adding a Health and Environmental Justice Element. We appreciate the City's leadership to establish a vision grounded in policies specifically dedicated to generate a healthy and safe environment for all the residents. However, the HEJ Element's structure conceals the City's intention through an inconsistent treatment of HEJ Element's structure.

8-8

The HEJ element lists a set of goals and policies just as other National City GPU elements do. The inconsistency with other Elements is demonstrated through a unique section to the element titled “Related Policies from Other Elements”. For example, policy Safety-8.1 states it will “*promote the clean-up and reuse of contaminated sites and prioritize remediation and redevelopment of Brownfield sites within and adjacent to residential and mixed-use areas*”. The policy is part of the Safety Element and is listed within the “Related Policies from Other Elements” in the HEJ Element instead being included in the HEJ Element. The section is intended to mention policies from other elements related to health and environmental justice. Policies are commonly repeated throughout the document, which creates consistency between elements. Nonetheless, only the HEJ Element has a “Related Policies from Other Elements” section. The State Guidance section on General Plan Basics explains that “all elements of the general plan have equal legal status,”³ therefore, the HEJ Element should be treated equally.

8-8
cont.

- o EHC recommends the policies under the “Related Policies from Other Elements” section are integrated into the HEJ Element and labeled accordingly.

CONSERVATION AND SUSTAINABILITY ELEMENT

Energy (Electricity and Natural Gas)

Finally, a critical way that the City and the community can reduce its impacts on public health and the environment is to reduce its carbon footprint. By reducing energy use through conservation and energy efficiency, as well as maximizing the amount of energy generated from local, clean resources such as solar, combined heat and power and fuel cells, National City can achieve cleaner air, create new jobs, and revitalize neighborhoods. Reaching these goals also avoids the need to build dirty energy power resources in our neighborhoods.

8-9

The City should commit to a plan that achieves measurable goals using the technologies and actions listed. We recommend the following goal and policy changes to meet conservation and sustainability in National City.

- o **Current Goal**

- Goal CS-6**

- Energy utilities sufficient to meet existing and future demand, and facilities and maintenance practices that are efficient and sensitive to the natural and urban landscape.

8-10

- **Recommended amendment**

- Energy utilities sufficient to meet existing and future demand, and facilities and maintenance practices that achieve 1990 emissions by 2020 and 80% below 1990 ghg emissions by 2050.

³ http://www.opr.ca.gov/planning/publications/General_Plan_Guidelines_2003.pdf

<ul style="list-style-type: none"> ○ New Goal <u>Meet 50% of citywide electricity needs with clean energy by 2020.</u> 	8-11
<ul style="list-style-type: none"> ○ Current Policy Policy CS-7.3 Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, strive to achieve zero net energy use for new residential development by 2020 and zero net energy use for new commercial development by 2030. <ul style="list-style-type: none"> • Recommended amendment Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, achieve zero net energy use for new residential development by 2020 and zero net energy use for new commercial development by 2030. 	8-12
<ul style="list-style-type: none"> ○ Policy CS-7.4 Explore programs to encourage load shifting to off peak hours and explore demand response solutions. <ul style="list-style-type: none"> • Recommended amendment <u>Develop a plan that will result in peak load shifting and demand response action that will reduce loads on the grid of at least 50% by implementing the State of California's preferred loading order for energy use.</u> 	8-13
<ul style="list-style-type: none"> ○ Current Policy Policy CS-7.5 Promote availability of a variety of tools and services for implementing energy conservation and renewable energy generation, including financing districts, energy auditing, and energy efficiency retrofit services to all residents and business owners. <ul style="list-style-type: none"> • Recommended amendment <u>Achieve 20% reduction in home energy use by 2015; 40% reduction by 2020.</u> 	8-14
<ul style="list-style-type: none"> ○ Current Policy Policy CS-7.7 Encourage LEED certification for all new municipal, commercial, and industrial buildings in the city. <ul style="list-style-type: none"> • Recommended amendment <u>Require LEED Gold or equivalent for all city new or significantly remodeled buildings and require LEED Silver or equivalent for new significantly remodels of private sector building construction.</u> 	8-15

Thank you for the opportunity to comment on this important document. We look forward to continue working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Georgette Gómez", with a stylized flourish at the end.

Georgette Gómez, Director
Toxic Free Neighborhoods Campaign

A handwritten signature in blue ink, appearing to read "Carolina Martinez", with a horizontal line underneath.

Carolina Martinez, Policy Advocate
Toxic Free Neighborhoods Campaign

CC:

Mayor, Ron Morrison
Vice Mayor, Alejandra Sotelo-Solis
Council Member, Luis Natividad
Council Member, Mona Rios
Council Member, Rosalie Zarate
City Manager, Chris Zapata
Principal Planner, Raymond Pe

Letter 8: Georgette Gomez and Carolina Martinez, Environmental Health Coalition, March 10, 2011.

The following are responses to comments received on the General Plan Update during public review and do not in all cases pertain to the Environmental Impact Report. Please note that CEQA only requires the City to draft responses to comments on significant environmental issues, not planning issues (CEQA Guidelines Section 15088(c) and 15204(a)).

8-1: This comment introduces EHC and applauds the City's leadership and efforts to reduce air pollution through the Westside Specific Plan and the Health and Environmental Justice (HEJ) Element. It states that EHC still has additional recommendations for the HEJ Element that should be incorporated into the final document. This comment is noted and no additional response is required.

8-2: This comment refers to specific policy commitments that guarantee air quality improvements and specify scientifically proven details regarding the HEJ Element. See Response to Comments 7-13 and 7-14 above.

8-3: This comment draws attention to the mounting number of studies that examine the effects of highways on sensitive receptors and link air pollution associated with high traffic areas to cancer, asthma, heart attacks, and low birth weight babies. The DEIR acknowledges the health effects associated with air pollutants (see DEIR pages 4.3-10 through 4.3-15).

8-4: This comment recommends changes to the policy language for HEJ-2.1. The existing policy is misquoted in the comment letter. The existing policy HEJ-2.1 is written as "Avoid land use conflicts by ensuring residential, public assembly, and other sensitive land uses are adequately buffered from industrial land uses that may pose a threat to human health, where feasible." See Response to Comment 7-14 above. Further, the City is concerned that there may be some instances in which it is not possible to locate industrial and sensitive land uses at least 1,000 feet apart. In addition, the City recognizes that

some industrial uses are clean, non-polluting facilities. Therefore, HEJ-2.1 has not been changed.

8-5: This comment recommends changes to the policy language for HEJ-2.3. See Response to Comment 7-14 above.

8-6: This comment recommends changes to policy HEJ-2.2. HEJ-2.2 states, “Encourage existing stationary sources of emissions to use feasible measures to minimize emissions that could have potential impacts on air quality and incentivize non-conforming uses to relocate to appropriate industrial zones if currently impacting sensitive land uses.” Please see Response to Comment 7-19.

8-7: This comment acknowledges that the majority of the city’s population is made up of low and very-low income residents with older, deteriorated housing stock that is at risk of containing lead based paint hazards. EHC commends the City for establishing the Lead Code Enforcement Program and recommends strengthening policy HEJ-7.2. See Response to Comment 7-20 above.

8-8: This comment appreciates the City’s leadership in establishing policies dedicated to generating a healthy and safe environment, but questions the inconsistent treatment of the structure of the Health and Environmental Justice (HEJ) Element. Please see Response to Comment 7-4 which addresses this issue.

8-9: This comment emphasizes the need to reduce energy use through conservation and energy efficiency as well as maximize the amount of energy generated from local, clear resources such as solar, combined heat and power, and fuel cells. The City supports and encourages energy conservation and alternative energy sources and the goals and policies in the General Plan identify this support. The DEIR discusses energy conservation and renewable energy generation in both Chapters 4.14 and 4.15. The suggested revisions to the Gen-

eral Plan are discussed in Response to Comments 8-10 through 8-15. These suggestions will be forwarded to the decision makers for their consideration.

8-10: The comment suggests the following revisions to Goal CS-6:

- ◆ **Amend Goal CS-6:** Energy utilities sufficient to meet existing and future demand, and facilities and maintenance practices that ~~are efficient and sensitive to the natural and urban landscape~~ achieve 1990 emissions by 2020 and 80% below 1990 ghg emissions by 2050.

In addition, the Climate Action Plan is part of the proposed project and states on page 3-2:

“National City has adopted a reduction target of 15 percent below 2005/2006 baseline emission levels by the year 2020 [equivalent to 1990 levels by 2020], with additional reductions by the year 2030, for both community-wide and government operations.”

As discussed on DEIR page 3-17, “the proposed project does not stand alone from a regulatory perspective. Development within the City must comply with other federal, State, and local regulations.” The DEIR notes that the suggested GHG reduction targets already exist through AB32 and Executive Order S-3-05. It is therefore not necessary to repeat these requirements in this goal in the General Plan.

Furthermore, the existing goal is intended to be broader than the recommended revision. Specific targets should not be included in a General Plan goal. Desired targets are identified in Section 5 of the General Plan (Indicators). This section lists several ways that the City can measure its progress towards reaching its goals and policies. Measuring greenhouse gas emissions is one of the indicators and future emission inventories will allow the City to identify if emissions targets will be met.

CEQA only requires a reduction in impacts in comparison to existing conditions. (CEQA Guidelines Section 15125(a).) The suggested revisions are

therefore not necessary from a CEQA perspective as existing conditions are beyond the scope of the EIR to fix (see *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal. App. 4th 1059).

8-11: The comment suggests the following new Goal:

- ◆ **New Goal:** Meet 50% of citywide electricity needs with clean energy by 2020.

As noted on DEIR page 4.14-103 “In the third quarter of 2010 SDG&E provided 10.5% of its electricity from renewables.” This figure was recently updated after the publication of the DEIR; SDG&E produced 11.9% of their electricity from renewable energy sources in 2010 (18% average statewide).¹⁴ As also noted on DEIR page 4.15-6 the State has already enacted a renewable portfolio requirement. The enacting statutes were recently amended to require 33% of electricity generation from retail sales to be produced from renewable sources by 2020 (see Senate Bill X1 2 [2011]). Further, the City has limited control over how energy is produced for the City.

As noted in the previous response, CEQA only requires a reduction in impacts in comparison to existing conditions. (CEQA Guidelines Section 15125(a).) The suggested revisions are therefore not necessary from a CEQA perspective as existing conditions are beyond the scope of the EIR to fix (see *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal. App. 4th 1059).

8-12: The comment suggests the following revisions to Policy CS-7.3:

- ◆ **Amend Policy CS-7.3:** Policy CS-7.3: Consistent with the California Public Utilities Commission’s California Long Term Energy Efficiency Strategic Plan, ~~strive to~~ achieve zero net energy use for new residential development by 2020 and zero net energy use for new commercial development by 2030.

¹⁴ <http://www.cpuc.ca.gov/PUC/energy/Renewables/index.htm>

As noted in Response to Comment 8-10, the Climate Action Plan already contains a policy which calls for the reduction of GHG emissions to 1990 levels by 2020 (i.e. below baseline levels). Furthermore, and EIR is to address the impacts based upon the whole of the project, not individual components (such as residences and commercial space). (See *Big Rock Mesas Prop. Owners Ass'n v. Board of Supervisors* (1977) 73 Cal.App.3d 218, 277; see also *No Oil, Inc. v. City of Los Angeles* (1987) 196 Cal.App.3d 223, 235 [analysis required for the project as a whole, not the various components thereof].)

Furthermore, it may also not be possible to ensure that every individual residential project or commercial project has a zero net energy use. For example, it may not always be economically feasible to require affordable housing to fully offset their energy consumption. Similarly, it may not be possible to require 100% offset of energy use for new commercial development, which will depend upon the specific nature of the project and parcel. The suggested revision would provide insufficient flexibility to account for the needs of specific projects at the time they are proposed.

8-13: The comment recommends the following revisions to Policy CS-7.4:

- ◆ **Amend Policy CS-7.4:** ~~Explore programs to encourage load shifting to off peak hours and explore demand response solutions.~~ Develop a plan that will result in peak load shifting and demand response action that will reduce loads on the grid of at least 50% by implementing the State of California's preferred loading order for energy use.

The language proposed in the draft General Plan addresses shifting *peak load* electricity demand. However the policy as currently proposed in the comment simply refers to reducing “loads on the grid” by 50% rather than *peak* load. Furthermore, the comment does not explain how such a plan could be implemented by the City.

The “load order” discussed in the comment refers to energy efficiency, demand response, renewable, and distributed generation.¹⁵ As discussed in the DEIR and the previous response to comments, many of these suggestions are already being implemented through existing programs. For example, there are numerous programs to increase energy efficiency and renewables, as discussed in DEIR chapters 4.14 and 4.15 (including energy efficient building standards).

However, the City has limited abilities to control peak electricity demand; most of the measures proposed by the City are more passive in nature, as discussed in the DEIR (i.e. constructing efficient buildings). A majority of the tools necessary to control peak load demand are actively controlled by utility companies, the California Public Utilities Commission, and the California Energy Commission. For example, the utility companies control “demand response” by implementing programs in which the utility can shut off specific equipment to an agreed upon level, cycling air conditioning, or use dynamic pricing and demand bidding during periods of peak electricity load. The City does not have control over such contracts or the equipment.

Furthermore, peak load demand is not something that should be as mechanically assigned as suggested in the comment (i.e. 50%). The determination of what percentage to reduce peak load is dependent upon a number of factors that are ultimately determined by the utility companies and other governmental agencies. In some instances the utility companies may seek to increase/shift demand depending upon the source of electricity and pricing. Such a policy could interfere with these considerations.

¹⁵ California Energy Commission, *Implementing California’s Loading Order for Electricity Resources*, July 2005. Available at: <http://www.energy.ca.gov/2005publications/CEC-400-2005-043/CEC-400-2005-043.PDF>

8-14: This comment suggests the following amendment to policy CS-7.5:

- ♦ **Policy CS-7.5:** ~~Promote availability of a variety of tools and services for implementing energy conservation and renewable energy generation, including financing districts, energy auditing, and energy efficiency retrofit services to all residents and business owners.~~ Achieve 20% reduction in home energy use by 2015; 40% reduction by 2020.

Please see Response to Comment 8-10 and 8-11. As noted in those responses existing conditions (and existing building) are beyond the scope of the EIR to fix. Please however note that the Climate Action Plan contains a number of policies to decrease energy demand from existing buildings (see Climate Action Plan page 4-2).

8-15: This comment suggests the following amendment to Policy CS-7.7:

- ♦ **Policy CS-7.7:** ~~Encourage LEED certification for all new municipal, commercial, and industrial buildings in the city.~~ Require LEED Gold or equivalent for all city new or significantly remodeled buildings and require LEED Silver or equivalent for new significantly remodels of private sector building construction.

The City supports the concept of energy efficiency and LEED certification (or equivalent) for new development as evidenced by General Plan Policy CS-7.7 (Climate Action Plan A1.b.2, B1.a.3). However, a policy to require all new public buildings to meet LEED standards is not appropriate at the programmatic level and does not retain the flexibility needed to address the variety of project specific differences that will arise under the General Plan. The City supports the full spectrum of LEED certification programs and understands that individual projects will conform to their own unique set of issues (including financial, technological) to ensure that the appropriate degree of energy efficiency design is incorporated into individual building construction. The commenter is referred to DEIR Chapters 4.14 and 4.15 for more detailed discussion energy efficiency requirements for existing and proposed facilities.

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COMMENT LETTER #9

PUBLIC COMMENTS

Date: 2-2-11

City of National City
1243 National City Boulevard
National City, CA 91950

Comments:

- ☐ Draft Environmental Impact Report
- ☐ Draft General Plan
- ☐ Draft Climate Action Plan
- ☐ Draft Land Use Code
- ☐ Draft Downtown Specific Plan Amendment
- ☐ Other: _____

RSVP to help out w/ graffiti
at night

Pay phone graffiti control

Vacant properties to be cleared or
cleaned in timely manner (6 months)

Pay phone owner's need to be
responsible for phones — city should
regulate/remove as needed — are they
needed anymore?

9-1

Name: GEOFFREY SCHROCK

Address: 423 M AVE NATIONAL CITY
LA 91950

Phone: _____

Email: _____

Please submit comments by March 10, 2011.

Comments may also be submitted via email:

rpe@nationalcityca.gov

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Letter 9: Geoffrey Schrolk, National City Resident, March 2, 2011.

9-1: This comment provides a number of comments on issues not related to the Comprehensive Land Use Update, DEIR, or environmental issues. No additional response is required (see CEQA Guidelines Sections 15088(c) and 15204(a)). The suggestions will however be forwarded to the decision makers for their consideration.

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COMMENT LETTER #10

PUBLIC COMMENTS

Date: FEB. 2-11.

City of National City
1243 National City Boulevard
National City, CA 91950

Comments:

- ☐ Draft Environmental Impact Report
- ☐ Draft General Plan
- ☐ Draft Climate Action Plan
- ☐ Draft Land Use Code
- ☐ Draft Downtown Specific Plan Amendment
- ☐ Other: _____

Proposed. Pedestrian Trails

Figure OS-6

This is the exact area that CalTRANS is
proposing to use for Freeway (805) widening
& taking out several homes.

10-1

Name: Mike Heard
Address: 838 Paradise Dr
Nat City
Phone: 267-9732
Email: _____

Please submit comments by March 10, 2011.

Comments may also be submitted via email:

rpe@nationalcityca.gov

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Letter 10: Mick Heard, National City Resident, March 2, 2011.

10-1: The comment does not address the adequacy of the DEIR or environmental issues. No additional response is required.

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COMMENT LETTER #11

PUBLIC COMMENTS

Date: 2.5.11

City of National City
1243 National City Boulevard
National City, CA 91950

Comments:

- ☐ Draft Environmental Impact Report
- ☐ Draft General Plan
- ☐ Draft Climate Action Plan
- ☐ Draft Land Use Code
- ☐ Draft Downtown Specific Plan Amendment
- ☐ Other: _____

I LIKE FIGURE #2-A WITH BACK-IN PARKING ANGLED
NO MEDIAN TOO MUCH TRAFFIC WHEN MAINTAINING ~~TRAFFIC~~
SHADES TREES SHOULD BE ABLE TO FEED OUR COMMUNITY

11-1

Name: DERNIS LEXLINE
Address: 243 E 16TH ST
NATIONAL CITY 91950
Phone: 619 993 9407
Email: _____

Please submit comments by March 10, 2011.
Comments may also be submitted via email:
rpe@nationalcityca.gov

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Letter 11: Dennis Lexline, National City Resident, March 2, 2011.

11-1: This comment provides a number of comments on the Draft General Plan, and not the DEIR or related environmental issues. No additional response is required (see CEQA Guidelines Section 15088(c) and 15204(a)).

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Leonor Residente de National City

comentario Feb 3, 2011 camadro gym

La ciudad dice que hay que tener distancia entre usos residenciales, escuelas, iglesias, hospitales y otros usos sensibles.

Pero

No dice cuanta distancia especificamente.

Nosotros queremos, que al igual que en el plan especifico, se establezca una distancia de:

- 500 pies entre usos industriales ligeros y usos sensibles
- 1000 (mil) pies entre usos industriales pesados y usos sensible

12-1

Translation:

Leonor, National City Resident

Feb. 3, 2011, comment, camadro gym

The City says that there needs to be distance between residences, schools, churches, hospitals and other sensitive uses.

But

they dont say how much distance specifically.

We want, in the Plan specifically, there to be a distance of:

- 500 feet between light industrial and sensitive uses
- 1,000 feet between heavy industrial and sensitive uses

12-1

CITY OF NATIONAL CITY
COMPREHENSIVE LAND USE UPDATE
FINAL EIR
COMMENTS AND RESPONSES

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CITY OF NATIONAL CITY
COMPREHENSIVE LAND USE UPDATE
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COMMENTS AND RESPONSES

Letter 12: Leonor, National City Resident, March 2, 2011.

12-1: Please see Response to Comments 7-13 and 7-14 above.

CITY OF NATIONAL CITY
COMPREHENSIVE LAND USE UPDATE
FINAL EIR
COMMENTS AND RESPONSES

6 MITIGATION MONITORING AND REPORTING PROGRAM

This chapter provides a Mitigation Monitoring and Reporting Program (MMRP) for the National City Comprehensive Land Use Update. The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the project. The MMRP includes the following information:

- ◆ A list of mitigation measures;
- ◆ The party responsible for implementing the mitigation measures;
- ◆ The timing for implementation of the mitigation measure;
- ◆ The agency responsible for monitoring the implementation; and
- ◆ The monitoring action and frequency.

The City of National City must adopt this MMRP, or an equally effective program, if it approves the Comprehensive Land Use Update with the mitigation measures that were adopted or made conditions of project approval.

**CITY OF NATIONAL CITY
COMPREHENSIVE LAND USE UPDATE
FINAL EIR**
MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 6-1 **MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
Air Quality					
<u>AQ-1:</u> The proposed Comprehensive Land Use Update includes numerous policies aimed at reducing vehicle travel through land use planning, encouraging alternatives modes of transportation and use of project level review to reduce air pollutant emissions from vehicle travel.	Development Services Department	Ongoing and during subsequent project-level CEQA review	City of National City	Verification of policy implementation and project-specific mitigation measures.	Ongoing
<u>AQ-2a:</u> Dust Suppression. The following enhanced dust control measures are recommended for inclusion in construction contracts to control fugitive dust emissions during construction. These measures are in addition to SDAPCD regulatory requirements that apply to construction projects. <ul style="list-style-type: none"> ◆ Limit traffic speeds on unpaved roads to 15 mph. ◆ Install sandbags or other erosion control measures to prevent silt runoff to public roadways. ◆ Replant vegetation in disturbed areas as quickly as possible. ◆ Limit access to the construction sites, so tracking of mud or dirt on to public roadways can be prevented. If necessary, use wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 20 mph or dust clouds cannot be prevented from extending beyond the site.	Project Developer and Contractor	Prior to issuance of demolition, grading or building permits	Development Services Department	Review construction specifications and retain for administrative record	Periodic site inspections

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
AQ-2b: Exhaust Emission Controls. Projects that have significant construction period exhaust emissions shall reduce fleet average emission rates. Developers or contractors shall provide a plan for approval by the City or SDAPCD demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project for more than an accumulated 40 hours, including owned, leased and subcontractor vehicles, will achieve emission standards similar to in-use equipment that meets CARB certified Tier II standards.	Project Developer and Contractor	Prior to issuance of demolition, grading or building permits	Development Services Department	Review construction specifications and retain for administrative record	Once
AQ-3: The proposed Comprehensive Land Use Update includes numerous policies aimed at reducing vehicle travel through land use planning, encouraging alternatives modes of transportation and use of project level review to reduce air pollutant emissions from vehicle travel.	Development Services Department	Ongoing and during subsequent project-level CEQA review	City of National City	Verification of policy implementation and project-specific mitigation measures	Once
Biological Resources					
BIO-1: In order to reduce or avoid impacts to special status birds, and ensure project compliance with the Federal Migratory Bird Treaty Act and Sections 3503, 3503.5, 3511, and 3513 of the California Fish and Game Code, site brushing, grading, and/or the removal of vegetation within 500 feet of any known migratory songbird nesting location will not be permitted during the spring/summer songbird breeding season, defined as from January 15 th to August 31 st of each year. Limiting activities to the non-breeding season will minimize chances for the incidental take of migratory California gnatcatcher. In order to determine presence/absence of California gnatcatchers, protocol surveys of suitable areas of habitat (DCSS) on-site are required.	Project Developer	Prior to issuance of demolition, grading or building permits	Development Services Department	Perform site inspections to verify compliance	Once or if nesting birds found, periodic monitoring until fledglings have left the nest

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>These must be completed by an approved biologist in possession of a Section 10(a) Recovery Permit for this species. Should it be necessary to conduct brushing, grading, or other habitat-removal activities during the songbird breeding season, a pre-construction nesting survey of all areas within 500 feet of the proposed activity will be required. If active nests are present on-site, the nests shall be monitored until the birds have fledged and left the nest, prior to the commencement of construction activities. The results of the pre-construction survey will be provided in a report to the City and the wildlife agencies for concurrence with the conclusions and recommendations.</p> <p><u>BIO-2:</u> Impacts to DCSS shall require mitigation at a minimum 2:1 ratio. Therefore, impacts to 1.2 acres of DCSS will require 2.4 acres of mitigation. This mitigation could occur on-site, via habitat creation and restoration in the Butterfly Garden and/or other areas of the site. In order for on-site habitat creation and restoration to be acceptable as DCSS mitigation, these activities would need to occur pursuant to a City and resource agencies (CDFG, USFWS) approved Revegetation Plan. The Revegetation Plan would be implemented by the City and would require a methodology for how to establish DCSS in that area. The Revegetation Plan would be required to comply with the Federal Migratory Bird Treaty Act. Site brushing, grading, and/or the removal of vegetation within 500 feet of any known migratory songbird nesting location will not be permitted during the spring/summer songbird breeding season, defined as from January 15th to August 31st of each year.</p>	Project Developer	Prior to issuance of demolition, grading or building permits	City of National City/CDFG	Perform site inspections to verify compliance	Periodically, as defined in the Revegetation Plan

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>Alternatively, mitigation could occur off-site, via the securement of 2.4 acre-credits of DCSS in an approved mitigation bank. If the DCSS is found to be occupied by California Gnatcatcher, a higher mitigation ratio would be required.</p> <p><u>BIO-3:</u> Impacts to the DFWW shall require mitigation at a minimum 3:1 ratio in the following manner: at least 1:1 shall consist of wetlands creation; the remaining 2:1 may consist of wetlands restoration/enhancement. For example, impacts to 0.8 acre of DFWW would require 2.4 acres of mitigation.</p> <p>Mitigation for impacts to these habitat-types could occur on-site, via habitat creation and restoration activities in the on-site drainage. It should be noted that if these habitat restoration activities would result in any significant impacts, these impacts would be required to be analyzed and mitigated. Significant impacts associated with habitat restoration activities could include dredging in jurisdictional waters or wetlands, the removal of native vegetation, noise impacts to native wildlife during site preparation. In order for habitat restoration to be acceptable as wetlands mitigation, they would need to be subject to a City and Resource Agency-approved Wetland Mitigation Plan. Such a plan would be implemented by the City and it would specify methodology for habitat creation and restoration. Alternatively, mitigation could occur off-site, via the securement of 2.4 acre-credits of FWW in an approved mitigation bank. Regulatory Agencies (USACE, CDFG, RWQCB) typically allow applicants to propose either on- or offsite restoration, although on-site mitigation is encouraged. If on-site mitigation is not available, offsite mitigation within the same drainage basin is required.</p>	Project Developer	Prior to issuance of demolition, grading or building permits	City of National City/CDFG	Perform site inspections to verify compliance	Periodically, as defined in the Revegetation Plan

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p><u>BIO-4:</u> Impacts to wetlands habitats, such as Non-Vegetated Channel (NVC), generally require mitigation at a 3:1 ratio. At least 1:1 of this typically must consist of wetlands creation; the remaining 2:1 may consist of wetlands restoration/enhancement. Therefore, impacts to 0.1-acre of NVC would require 0.3-acre of mitigation. Mitigation for impacts to these habitat-types could occur on-site, via habitat creation and restoration activities in the on-site drainage. In order for these activities to be acceptable as wetlands mitigation, they would need to be subject to a City and Resource Agency-approved Wetland Mitigation Plan. Alternatively, mitigation could occur off-site, via the securement of 0.3 acre-credits of NVC in an approved mitigation bank. The Regulatory Agencies (USACE, CDFG, RW/QCB) typically allow applicants to propose either on- or off-site restoration, although on-site mitigation is encouraged. If on-site mitigation is not available, offsite mitigation within the same drainage basin is required.</p> <p><u>BIO-5:</u> Impacts to Disturbed Southern Coastal Salt Marsh (DSCSM) require mitigation at a minimum 3:1 ratio. At least 1:1 of this ratio shall consist of wetlands creation; the remaining 2:1 may consist of wetlands restoration/enhancement. Therefore, impacts to 0.1-acre of DSCSM shall require 0.3-acre of mitigation. Mitigation for impacts to these habitat-types could occur on-site, via the restoration of Paradise Creek, including the daylighting of the portion of the creek that is currently underground. The project's current conceptual design shows approximately 3.9 acres as being available for Paradise Creek improvements. In order for these improvements to be acceptable as wetlands mitigation, they would need to be subject to a City and Resource Agency-approved</p>	Project Developer	Prior to issuance of demolition, grading or building permits	City of National City/CDFG	Perform site inspections to verify compliance	Periodically, as defined in the Wetland Mitigation Plan

TABLE 6-1 **MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)**

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
Wetland Mitigation Plan. Alternatively, mitigation could occur off-site, via the securement of 0.9 acre-credits of SCSM in an approved wetland mitigation bank. The Regulatory Agencies (USACE, CDFG, RWQCB) typically allow applicants to propose either on- or offsite restoration, although on-site mitigation is encouraged. If on-site mitigation is not available, offsite mitigation within the same drainage basin is required.					
<u>BIO-6:</u> Impacts to wetlands habitats, such as DFWW, require mitigation at a 3:1 ratio. At least 1:1 of this ratio shall consist of wetlands creation; the remaining 2:1 may consist of wetlands restoration/enhancement. Therefore, impacts to 0.3-acre of DFWW shall require 0.9-acre of mitigation. Mitigation for impacts to these habitat-types could occur on-site. The project site has approximately 3.9 acres available for Paradise Creek improvements. In order for these improvements to be acceptable as wetlands mitigation, they would need to be subject to a City and Resource Agency-approved Wetland Mitigation Plan. Alternatively, mitigation could occur off-site, via the securement of 0.3 acre-credits of FW/W in an approved wetland mitigation bank. The Regulatory Agencies (USACE, CDFG, RWQCB) typically allow applicants to propose either on- or off-site restoration, although on-site mitigation is encouraged. If on-site mitigation is not available, off-site mitigation within the same drainage basin is required.	Project Developer	Prior to issuance of demolition, grading or building permits	City of National City/CDFG	Perform site inspections to verify compliance	Periodically, as defined in the Wetland Mitigation Plan

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p><u>BIO-7:</u> Because the proposed Las Palmas Park and Facilities Vision Concept Plan project will impact state wetlands and State and federal “waters,” it may be necessary to obtain certain regulatory agency permits as a condition of project approval. To that end, it is required that the applicant provide to the City proof of notification of the ACOE and CRWQCB regarding Clean Water Act Section 404/401 Permits, or evidence that such notification is not required. Also required prior to project approval shall be proof provided to the City that the applicant has obtained a 1600-series Streambed Alteration Agreement with the CDFG, or proof that such an agreement is not required.</p>	Project Developer	Prior to issuance of demolition, grading or building permits	City of National City/CDFG	Perform site inspections to verify compliance	Once
<p><u>BIO-8:</u> (a) Mitigation for wetland impacts associated with improvements to Kimball Park will require a 1:1 ratio of wetlands creation and 2:1 ratio of wetlands restoration/enhancement. Therefore, impacts to 0.3 acre of DFWW would require 0.9 acre of mitigation and impacts to 0.1 acre of DSCSM would require 0.3 acre of mitigation. Mitigation for impacts to these habitat-types could occur onsite, via the restoration of Paradise Creek or offsite through contribution to an approved mitigation bank.</p> <p>Because the proposed Kimball Park Master Plan project will impact State wetlands and State and federal “waters,” it will likely be necessary to obtain certain regulatory agency permits as a condition of project implementation. To that end, it is required that the applicant provide to the City proof of notification of the ACOE and CRWQCB regarding Clean Water Act Section 404/401 Permits, or evidence that such notification</p>	Project Developer	Prior to issuance of demolition, grading or building permits	City of National City/CDFG	(a) Provide evidence of permits (b) Perform periodic site inspections to verify compliance	(a) Once; or (b) If nesting birds found, periodic monitoring until fledglings have left the nest

TABLE 6-1 **MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)**

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>tion is not required. Also required prior to project approval shall be proof provided to the City that the applicant has obtained a 1600-series Streambed Alteration Agreement with the CDFG, or proof that such an agreement is not required.</p> <p>(b) In order to reduce or avoid impacts to special status birds, and ensure project compliance with the Federal Migratory Bird Treaty Act and Sections 3503, 3503.5, 3511, and 3513 of the California Fish and Game Code, site brushing, grading, and/or the removal of vegetation within 500 feet of any known migratory songbird nesting location will not be permitted during the spring/summer song bird breeding season, defined as from January 15th to August 31st of each year. Limiting activities to the non-breeding season will minimize chances for the incidental take of migratory songbirds.</p> <p>Should it be necessary to conduct brushing, grading, or other habitat-removal activities during the songbird breeding season, a pre-construction nesting survey of all areas within 500 feet of the proposed activity will be required. If active nests are present on-site, the nests shall be monitored until the birds have fledged and left the nest, prior to the commencement of construction activities. The results of the pre-construction survey will be provided in a report to the City and the wildlife agencies for concurrence with the conclusions and recommendations.</p>					

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
Hazards and Hazardous Materials					
<u>HAZ-1a:</u> Additional research, file reviews, and/or Phase I Environmental Site Assessments shall be conducted for proposed development projects prior to redevelopment of parcels identified in Appendix B or parcels adjacent to release sites. Additionally, if there is potential for site contamination, a soil management plan should be implemented during project construction.	Project Developer	Prior to project approval	Development Services Department	Review site assessments	Once
<u>HAZ-1b:</u> A Hazardous Materials Management Plan (HMMP) shall be prepared and implemented for the construction phase of the proposed project to minimize releases during construction due to construction equipment on-site. The plan shall identify all hazardous materials (fuels, solvents, etc.) that would be present on any portion of the construction area and project site. Contingency analysis and planning shall be presented to identify potential spill or accident situations, how to minimize their occurrence, and how to respond should they occur. The plan shall also identify spill response materials (e.g., absorbent pads, shovels) to be kept at the construction site, and their locations.	Project Developer	Prior to project approval	Development Services Department	Perform periodic site inspections to verify compliance	During construction period
<u>HAZ-1c:</u> Additional mitigation measures shall be implemented during construction activities including training for all contractor and subcontractor project personnel regarding the appropriate work practices necessary to effectively comply with the applicable environmental laws and regulations, including, without limitation, hazardous materials spill prevention and response measures.	Project Developer	Prior to issuance of demolition, grading or building permits	Development Services Department	Perform periodic site inspections to verify compliance	During construction period

TABLE 6-1 **MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)**

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p><u>HAZ-1d</u>: A project specific construction stormwater pollution prevention plan shall be implemented. Hazardous materials shall not be disposed of or released onto the ground, the underlying groundwater, or any surface water. All construction waste, including trash and litter, garbage, other solid waste, petroleum products and other potentially hazardous materials, shall be removed to an appropriate facility permitted or otherwise authorized to treat, store, or dispose of such materials.</p>	Project Developer	Prior to issuance of demolition, grading or building permits	Development Services Department	Perform periodic site inspections to verify compliance	During construction period
Hydrology and Water Quality					
<p><u>HYDRO-1</u>: For each future discretionary project requiring measures that go beyond what is required by existing regulations, site-specific measures will be identified that reduce significant project-level impacts to a less-than-significant level. Implementation of these site-specific measures will be coordinated with permit conditions from National City. The following is a list of general measures that may be implemented to preclude impacts:</p> <ul style="list-style-type: none"> ◆ The design and siting projects so as to minimize impacts to receiving waters, particularly the discharge of identified pollutants to already impaired waters; ◆ The preservation, restoration, or incorporation of natural drainage systems into design of the project site; ◆ The use of materials, site planning techniques, and street geometry which reduce the amount of impervious surface on the project site; <p>The development, maintenance, and implementation of design standards which minimize the use of pesticides and herbicides.</p>	Project Developer	During project review, prior to issuance of demolition, grading, or building permits	Development Services Department	Perform periodic site inspections to verify compliance	During construction period

TABLE 6-1 **MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)**

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>HYDRO-2: Design of the Senior Village Expansion project shall include a grading plan to elevate all portions of the above the base flood elevation as defined in Chapter 18.24 of the National City Municipal Code. Prior to approval of the final grading plan, the project shall submit a request for a Conditional Letter of Map Revision (CLOMR) for review and action by FEMA and/or their designated representative in order to remove the elevated parcels from the SFHA. With the approved CLOMR and placement of fill as described therein, the project shall submit a request for a Letter of Map Revision (LOMR).</p> <p>HYDRO-3: Detailed design of the project shall ensure that the structures associated with the 40,000 square feet of new commercial uses planned as part of the project will not be located within the 100-year flood zone. Additionally, design information and criteria for dispersal of runoff to landscaped areas and for pervious pavements, bio-retention facilities, flow-through planters, dry wells, infiltration basins, and cisterns shall be implemented for the project, pursuant to the recommendations of the SUSMP.</p>	Project Developer	Prior to issuance of demolition, grading, or building permits	Development Services Department	Provision of CLOMR	Once
<p>Noise</p> <p>NOISE-1: When high levels of construction vibrations are expected at residences or other buildings, a detailed “crack survey” shall be undertaken before the startup of construction activities. The survey may be done by photographs, videotape, or visual inventory, and should include inside as well as outside locations. All existing cracks and walls, floors, driveways, etc., should be documented with sufficient detail for comparison after construction to determine whether actual</p>	Project Developer	Prior to issuance of demolition, grading or building permits	Development Services Department	Review and approval of crack survey	Once

TABLE 6-1 MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>vibration damage has occurred. If pile driving would be the source of these vibrations, pre-drill foundation pile holes would be made to the extent feasible to minimize the number of hammer strikes required to seat the pile.</p> <p><u>NOISE-2:</u> Develop construction noise control plans that consider the following available controls in order to reduce construction noise levels as low as practical:</p> <ul style="list-style-type: none"> ◆ Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists; ◆ Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment; ◆ Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses; ◆ Locate staging areas and construction material areas as far away as possible from adjacent land uses; ◆ Prohibit all unnecessary idling of internal combustion engines; ◆ Notify all adjacent land uses of the construction schedule in writing; <p>Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the con-</p>	Project Developer, Contractor, and Acoustical Specialist	Prior to issuance of demolition, grading, or building permits	Development Services Department	Review construction specifications and retain for administrative record, scheduled site inspections	Once, prior to demolition or grading permit approval, then monthly

TABLE 6-1 **MITIGATION MONITORING AND REPORTING PROGRAM (CONTINUED)**

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>construction site and include it in the notice sent to neighbors regarding the construction schedule.</p> <p>The potential short-term noise impacts associated with construction facilitated by the Comprehensive Land Use Update would be mitigated by the adoption and implementation of the above mitigation measure that requires reasonable noise reduction measures be incorporated into the construction plan and implemented during all phases of construction activity to minimize the exposure of neighboring properties.</p>					
Transportation and Circulation					
<p><u>TRANS-1:</u> The City of National City shall undertake further investigations to identify feasible mitigation for impacted roadway segments. Mitigations could include the addition of two-way left turn lanes or other measures which would result in LOS D or better on the roadway segments in question in 2030.</p>	Development Services Department	On a project-by-project basis as project applications are submitted	City of National City	Review and consideration	Once
<u>TRANS-2:</u> No mitigation required.					
<p><u>TRANS-3:</u> The City of National City shall work with the neighboring jurisdictions of Chula Vista and San Diego County to identify feasible mitigation for the potentially impacted roadway segments, and contribute funding on a fair-share basis, to be determined in consultation with the jurisdictions in question, for periodic (annual or biennial) check to determine when implementation is warranted as well as for implementation costs in the event that implementation becomes necessary.</p>	Development Services Department	On a project-by-project basis as project applications are submitted	City of National City	Review and consideration	Ongoing

A P P E N D I X F

REVISED GENERAL PLAN UPDATE CIRCULATION ELEMENT TECHNICAL REPORT